

EARL ROBERT STEWART  
AND HIS ADMINISTRATION IN ORKNEY AND SHETLAND  
1564-93

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## ABSTRACT OF THESIS

The aim of this thesis is to examine the character and exploits of Robert Stewart, earl of Orkney, son of James V, king of Scots, and a man notorious in the history of Orkney and Shetland for oppression and misrule, but one who has not hitherto had the single-minded attention of a detailed study. His story is examined in the light of the unusual political and constitutional relationship between his dominions and the crown, and with a view to re-evaluating the unprepossessing picture of him presented both by popular opinion in the Northern Isles and by previous examinations of the major items of written evidence.

The approach is largely chronological, beginning with a study both of Robert Stewart's background, and of the history of the islands he was to rule. Particular note is taken of the links between the two provided at the outset by the political interests that various Scottish families, especially those represented by Oliver Sinclair of Pitcairn/Whitekirk and Sir John Bellenden of Auchnoul, had both in the north and in the baronies making up the lands of Holyroodhouse, the commenda of which Robert was granted in infancy by his father. These links provide a political continuity, albeit tortuous, stretching back from Robert's rule as feuar and earl to that of the ancient Sinclair earls whose rule had come to an end in 1470.

This is followed by an analysis of the three main stages of Robert Stewart's career in the north, treating of his personal rule and that of his half-brother, Laurence Bruce of Culmalindie, in Shetland. Special attention is paid to the disputes with central government which punctuated these stages - with the Regent Morton in the 1570s, and with Maitland of Thirlestane and Sir Lewis Bellenden of Auchnoul a decade later. These in turn furnish much evidence of a more detailed nature regarding life in the islands. The penultimate chapter seeks to examine the more personal aspects of Robert Stewart, again against the island background - his family, his possessions, his followers. It is noted that the story of Robert is only half the history of the Stewart earldom of Orkney, and the hope is expressed that the thesis will open the way to a study of a figure whose popular image is, if anything, even more sinister in the popular mind of the Northern Isles - Patrick Stewart, the second earl, Robert's son. The final chapter examines Robert's 'popular image' and looks at the attitudes of previous observers to Robert and his times.

The sources used constitute a broad sweep over the whole of the written records of the 16th century, both official and private, printed and manuscript. Of central importance have been: the major government records - the registers of the great seal, privy seal, privy council, the acts of the Scottish parliaments, the registers of deeds and of acts and decreets, the treasurer's accounts, and the exchequer rolls; the Calendar of Scottish Papers - correspondence and other items from English sources; the Records of the Earldom of Orkney, an indispensable source book, which could furnish by itself the materials for an adequate history of the Orkney of the period; a number of collections of private papers, notably the Bellenden Papers, a part of the muniments of the Duke of Roxburghe at Floors Castle and the largest single private collection of relevant material - the correspondence in this collection, together with the printed letters of Sir Patrick Waus of Barnbarroch and of Adam Bothwell, bishop of Orkney, help to give a measure of first-hand testimony regarding the events investigated in this work.



## ABBREVIATIONS

Abbrev. Chrs.	Abbreviates of Charters of Kirklands.
<u>Accs. Master of Wks.</u>	<u>Accounts of the Master of Works.</u>
<u>ADCP</u>	<u>Acts of the Lords of Council in Public Affairs, 1501-54.</u>
<u>APS</u>	<u>The Acts of the Parliaments of Scotland.</u>
Beq.	Bequest.
<u>BUK</u>	<u>Book of the Universall Kirk of Scotland.</u>
B. of C. & S.	Books of Council and Session.
<u>Canongate Privileges</u>	<u>Book of Records of the Ancient Privileges of the Canongate.</u>
Chrs.	Charters.
Corresp.	Correspondence.
<u>Criminal Trials</u>	<u>Criminal Trials in Scotland, ed. Pitcairn.</u>
<u>CSP Foreign</u>	<u>Calendar of State Papers, Foreign.</u>
<u>CSP Scot</u>	<u>Calendar of the State Papers relating to Scotland and Mary, Queen of Scots, 1547-1603.</u>
<u>CSP Spanish</u>	<u>Calendar of State Papers, Spanish.</u>
<u>Deputy Keeper Reports</u>	<u>Reports of the Deputy Keeper of the Public Records.</u>
<u>Diurnal of Occurrents</u>	<u>A Diurnal of Remarkable Occurrents that have passed within the country since the death of James the Fourth till the year 1575.</u>
<u>DNB</u>	<u>Dictionary of National Biography.</u>
Edin. Tests.	Commissariat of Edinburgh Register of Testaments.
<u>ER</u>	<u>The Exchequer Rolls of Scotland.</u>
Excheq.	Exchequer.
<u>Fasti</u>	<u>Fasti Ecclesiae Scotticanae, ed. H. Scott.</u>
<u>HMC</u>	<u>Reports of the Royal Commission on Historical Manuscripts.</u>
<u>Holyrood Chrs.</u>	<u>Charters of Holyrood.</u>
<u>IR</u>	<u>Innes Review.</u>



Inv.	Inventory.
<u>Inventaires</u>	<u>Inventaires de la Roynie Descosse, Douairiere de France.</u>
<u>James V Letters</u>	<u>The Letters of James V.</u>
<u>JR</u>	<u>Juridical Review.</u>
Keith, <u>Affairs</u>	Robert Keith, <u>History of the Affairs of Church and State in Scotland.</u>
<u>Kirkwall Chrs.</u>	<u>Charters and other Records of the City and Royal Burgh of Kirkwall.</u>
<u>Laing Chrs.</u>	<u>Calendar of the Laing Charters.</u>
Mackenzie, <u>Grievances</u>	Mackenzie, James, <u>The General Grievances and Oppressions of the Isles of Orkney and Shetland.</u>
Melville, <u>Memoirs</u>	Sir James Melville of Halhill, <u>Memoirs of His Own Life.</u>
microf.	microfilm.
Misc.	Miscellany.
Moysie, <u>Memoirs</u>	David Moysie, <u>Memoirs of the Affairs of Scotland.</u>
Mun.	Monuments.
O.	Orkney.
O & S	Orkney and Shetland.
<u>Old Lore Misc. (OLM)</u>	<u>Old Lore Miscellany of Orkney, Shetland, Caithness and Sutherland.</u>
<u>Oppressions</u>	<u>Oppressions of the Sixteenth Century in the Islands of Orkney and Zetland, ed. Balfour.</u>
<u>OSR</u>	<u>Orkney and Shetland Records.</u>
<u>Papiers d'Etat</u>	<u>Papiers d'Etat relatifs a l'Histoire de l'Ecosse au XVIIe Siècle.</u>
Pitcottie, <u>Historie</u>	Lindsay of Pitcottie, <u>The Historie of Scotland.</u>
<u>POAS</u>	<u>Proceedings of the Orkney Antiquarian Society.</u>
Prot. Bk.	Protocol Book.
PRS	Particular Register of Sasines.
<u>PSAS</u>	<u>Proceedings of the Society of Antiquaries of Scotland.</u>

RCAHMS Inv. O & SThe Royal Commission on the Ancient Monuments  
of Scotland, Twelfth Report with an Inventory  
of the Ancient Monuments of Orkney and Shetland.

Reg.

Register.

Reg. Ho.

Register House.

Reg. Pres.

Register of Presentations.

RentalsRentals of the Ancient Earldom and Bishoprick  
of Orkney, ed. Peterkin.RFORecords of the Earldom of Orkney, ed. Clouston.RMSRegistrum Magni Sigilli Regum Scotorum.RPCThe Register of the Privy Council of Scotland.RRSRegesta Regum Scotorum.RSSRegistrum Secreti Sigilli Regum Scotorum.

S.

Shetland.

SDRS

Scottish Dugh Record Society.

SCHS

Scottish Church History Society.

SHRScottish Historical Review.

SHS

Scottish History Society.

Soc.

Society.

SRO

Scottish Record Office.

SRS

Scottish Record Society.

STS

Scottish Text Society.

TAAccounts of the (Lord High) Treasurer of  
Scotland.TDGNHASTransactions of the Dumfriesshire and Galloway  
Natural History and Antiquarian Society.



## PREFACE

This work is the culmination of a line of historical enquiry suggested to me by my supervisor, Professor Donaldson. From the outset it had been my intention to study some aspect of the history of the Northern Isles, and it was this suggestion that set me on the path contained within this thesis; that and a consciousness of the comparative neglect by island historians hitherto of this part of the early modern period. Having myself strong family and ancestral links with Orkney, it is my earnest hope that this study will make a contribution to the considerable amount of work being done at present on late- and post-mediaeval Orkney and Shetland.

In carrying out my research I have been indebted to a large number of people. It is unfortunately not possible to name them all individually, but of particular importance have been my supervisor, Prof. Gordon Donaldson; my colleagues on the staff of the Scottish Record Office, especially Dr John Imrie, Keeper of the Records of Scotland, and Dr Frances Shaw; the archivists of the Orkney and Shetland Islands Councils, Alison Fraser and Brian Smith; John Simpson of Edinburgh University; Dr Richard Fawcett of the Ancient Monuments section of the Scottish Development Department; Peter Leith and the late Ernest Marwick; the duke of Roxburghe, for permission to study and copy the Bellenden correspondence; Mrs Heather Mitchell for her painstaking typing of the thesis; and my wife Jean for advice, support and encouragement.

I declare that the work of this thesis is my own and that it has been composed by myself.

Peter Anderson

## 1. ROBERT STEWART'S EARLY LIFE

One

ROBERT Stewart was born in the spring of the year 1533.<sup>1</sup> His father was the king, James V; his mother was Euphemia, 24-year-old daughter of the first Lord Elphinstone. Nothing is directly known of their liaison. The time of Robert's birth might suggest that he was conceived some time in the course of the spectacular entertainments laid on for the king by the earl of Atholl;<sup>2</sup> while Pitscottie dates these to 1529, evidence in the treasurer's accounts, cited by Balfour Paul, suggests that they took place in September 1532.<sup>3</sup> Unfortunately, the latter writer also points out that the evidence furnished by the relevant volume of the accounts - no. vi - does not permit the compilation of an itinerary for the king during the period of Robert Stewart's conception, or indeed during the whole of the years 1531-6. In view of this, the nature of most of the circumstances surrounding Robert Stewart's birth must remain largely conjectural.

What can be said, however, is that the relationship between his parents was not a lasting one. Margaret Erskine, lady of Lochleven, had already borne the king the future earl of Moray two years before and she retained as much of James's faith as he was prepared to give any woman, since he was to seek her as his queen as late as 1536.<sup>4</sup> Like the other mothers of James's illegitimate sons, Euphemia Elphinstone appears to have been little more than a passing fancy,

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1. See Appendix 1.
  2. Pitscottie, Historie, i, 335-8.
  3. TA, vi, p.xiii.
  4. Bingham, James V, King of Scots, 98.



while Margaret Erskine remained, in Lindsay's words to the king, 'the lady that lovit you best'.<sup>1</sup> Although a number of details are available regarding the subsequent career of Robert's mother, these do not indicate any further involvement with the king.

She was one of the nine mothers of James V's illegitimate children whose identities are known. She was also one of the three for whom evidence of provision survives, the others being Elizabeth Shaw and Christian Barclay. On 2 April 1532, rather in the tradition of 'The Jolly Beggar', Elizabeth Shaw was given £20 and the nurse's fee.<sup>2</sup> Christian Barclay received £20 in 1531 and livery in 1531, 1532 and 1534.<sup>3</sup> Robert's mother was given livery in 1534 and part-payment of a debt of £40 in the following year.<sup>4</sup>

No explicit evidence exists as to the circumstances of the king's illegitimate sons in their earliest years. Such documentation as is available, however, suggests that they spent them close to their mothers, as might be expected. Christian Barclay had her son with her in 1533 and 1534 and had probably looked after him since his birth.<sup>5</sup> Another unnamed son was stated in 1533 to be with 'Marioune Shaw', conceivably a relative of Elizabeth Shaw.<sup>6</sup> The closeness between Margaret Erskine and her son in after years suggests an early bond between them,<sup>7</sup> and the same can be said of

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1. Bingham, James V, King of Scots, 98.

2. TA, vi, 40.

3. Ibid., 37, 39, 92, 203.

4. Ibid., 205, 262.

5. Ibid., vi, 180, 196.

6. Ibid., 180.

7. Lee, James Stewart, Earl of Moray, 18.

later relations between Robert, his mother, and the family into which she married.

Robert Stewart had eight half-brothers (on his father's side) of whom we have evidence. Of these the legitimate ones, James and Robert, died in infancy; so too, seemingly, did James tertius, son of Christian Barclay;<sup>1</sup> and the early years of Robert secundus and Adam are shrouded in deep obscurity, our only knowledge being the identity of their mothers. Those in whose companionship Robert spent his youth were James senior, son of Elizabeth Shaw, James secundus, son of Margaret Erskine, and John, the offspring of Elizabeth Carmichael.

On 30 December 1534, Pope Clement VII set aside the obstacles to ecclesiastical preferment resulting from the defects of birth of these four boys.<sup>2</sup> Their father had first approached the pope in a letter of 26 February 1533 on behalf of three unspecified sons - presumably Jameses senior and secundus, and John.<sup>3</sup> A second appeal must have been made following Robert's birth, because the final dispensation specifically included him. Hay Fleming says of this, 'James did not ask in vain, though he seems to have asked more than once before he obtained his desire'.<sup>4</sup> This is cited as evidence of the pope's reluctance to grant the king his wishes regarding his sons, Hay Fleming having previously quoted Ranke's opinion of Clement VII that

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1. See Appendix 2.

2. Earl of Moray Muniments (HMC)vi, 670

3. Hay Fleming, The Reformation in Scotland, 113-5.

4. Ibid., 116.



his personal conduct 'was remarkable for the blameless rectitude and moderation of its tenor'. However, more modern opinion emphasises Clement's evident acquiescence in James's dealings with church places and property,<sup>1</sup> and it certainly seems more likely that any delay or hitch in the provision of the dispensation was caused simply by the birth of another son after his father's first approach to Rome. Moreover, these dealings which the pope was prepared to countenance appear to be governed by the most extraordinary interpretation of the provisions of the dispensation.

According to the document of 1534, the first major milestone in the advancement of James's sons in the spiritual army was to be their receipt of the tonsure, at the age of six. It is interesting, therefore, to note that the major promotions that James secured for his sons seem to fall at about the same time and in the same order that each of the young lads came of tonsorial age. James senior, born (according to the dispensation) about 1529, received the commenda of Kelso on 1 April 1535.<sup>2</sup> James secundus, born about 1531, became prior of St Andrews some time after 14 June 1538,<sup>3</sup> when the king appointed its incumbent, Patrick Hepburn, to the bishopric of Moray. The king approached Paul III, Clement's successor, with a view to securing the abbey of Holyrood for Robert on 16 December 1538.<sup>4</sup> At that date, Robert would still have been nearly six months from his sixth birthday and it is perhaps noteworthy that of the three boys

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1. Donaldson, The Scottish Reformation, 19.

2. James V Letters, 287.

3. Ibid., 343.

4. Ibid., 357.

promoted at this time, he alone had dispensation sought for him in respect of age (as well, rather oddly, as defect of birth). Robert became commendator of Holyrood on 18 August 1539.<sup>1</sup>

John Stewart is an exception to the pattern. Stated in 1534 to be the same age as James secundus and in 1538<sup>2</sup> - consistently - to be two years older than Robert, he received no benefice on attaining tonsorial age. He was omitted from the tenendas clauses of the 1534 grant of the lands of Douglas to James senior<sup>3</sup> and that of 1536 to James secundus of the lands of Tantallon,<sup>4</sup> though the short-lived James tertius was included there. Not until 1538, when his father suggested him as an alternative candidate for Holyrood in the event of Robert being deemed too young, was there any reference to provision for him.<sup>5</sup> Not until 1541, when he was in his ninth year, was he finally granted a pension from the bishopric of Orkney,<sup>6</sup> and appointed prior of Coldingham.<sup>7</sup> However, the complete absence of any provision is perhaps telling in that it suggests strongly that something in him or his circumstances made him a genuine exception to the rules that the king was following in providing for his sons. This, and the fact that his education started at the same time as that of Robert, two years his junior, gives rise to the tentative suggestion that his youth was a sickly one, rendering a major grant to him unwise and setting back his upbringing by two years or so.

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1. RSS, ii, no. 3127.

2. James V Letters, 357.

3. RMS, iii, no. 1425.

4. Ibid., no. 1620.

5. James V Letters, 357.

6. Ibid., 423.

7. Ibid., 426-7.



Turning to more personal details of the rearing of these children, the most illuminating evidence is yielded by the treasurer's accounts in the form of itemised lists of stuffs for their clothing. In the case of each boy, the provision of material for clothes appears to herald the end of infancy. James senior first appears as a beneficiary in December 1533, when he would be approaching his fifth birthday.<sup>1</sup> James secundus was about seven when he received his first grant from the treasury,<sup>2</sup> as was Robert;<sup>3</sup> John was two years older.<sup>4</sup> It may be that this meant that the boys had left their fosterages and joined the court of their father. There is some evidence to suggest that James senior spent some time with his father in the mid-1530s. Material for clothing for him was sent to the king in Cupar in 1534<sup>5</sup> and Stirling in 1535.<sup>6</sup> Unfortunately there is no similar information regarding his brothers. The treasurer's accounts do, however, indicate the nature of the next stage in the boys' upbringing.

The dispensation of 1534 described the brothers James, James, John and Robert as 'scolares' of the diocese of St Andrews. Though at that time perhaps a strange description of infants aged between one and three years, it was not to remain purely a formal title. King James, having followed the example of his father in the appointment of his illegitimate sons to important benefices, continued to do so with regard to their education (his own half-brother Alexander, Arch-

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1. TA, vi, 181.

2. Ibid., vii, 89.

3. Ibid., 265.

4. Ibid., 312-4.

5. Ibid., vi, 190.

6. Ibid., 250.

bishop of St Andrews, had studied under Erasmus).<sup>1</sup> Some time before November 1538, James senior, prior of Kelso, arrived in St Andrews.<sup>2</sup> By May of the following year he had been joined by James secundus.<sup>3</sup> In June 1540, Robert and John came too.<sup>4</sup>

Although the purpose of the three boys' stay in St Andrews is known, the actual nature of their education there is obscure. Since they are described as scholars of the diocese, it may be that they were tutored by members of the priory or cathedral clergy. It was admittedly not unheard of for individuals of such tender years to become undergraduates at this period,<sup>5</sup> but in fact only James secundus and John are recorded as having matriculated and that not until 1545.<sup>6</sup>

Whatever arrangements were made for their education, the king's sons were well looked after in St Andrews. They held servants both in common and individually. John Cairns, recipient in 1539 of the material to have a black gown, doublet and bonnet made for himself, was 'servitour to the Kingis grace sonis'.<sup>7</sup> One of the Jameses had a cook, Thomas Durie, and Gavin Barbour was one of his servants.<sup>8</sup> Robert had a minstrel attending him,<sup>9</sup> and a servant called Thomas Carmichael.<sup>10</sup> The latter may have been related to the David and

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1. Mackie, King James IV of Scotland, 166.
  2. TA, vii, 103.
  3. Ibid., 163-4.
  4. Ibid., 312-4.
  5. Early Records of the University of St Andrews, pp.xxiv-v.
  6. Ibid., 252.
  7. TA, vii, 273-4.
  8. Ibid., viii, 63-4.
  9. Ibid., vii, 280.
  10. Ibid., viii, 93.

Robert Carmichael who were to serve him in later years.

The list of 'expensis debursit upoun my lordis the Kingis sonis' in June 1540 sheds most light on the material provision for the boys of all the references to them in the accounts of the treasurer.<sup>1</sup> In this, Lord James 'of Kelso' was provided for separately; the 17 ells of black satin delivered to the tailor Thomas Arthur were for his garments alone. Lord James of St Andrews, Lord Robert of Holyroodhouse and Lord John were catered for together in several entries, though there were also a number of individual items relating either to Robert, John or the latter two together. Robert, for example, was to have made for him a doublet of black fustian at a total cost of sixteen shillings. A series of items provided for Robert and John, particularly one of £5 for two cofferes to be transported to St Andrews in order to contain their clothes, suggests that this list of expenses covers the period of their first arrival in St Andrews, and that the two boys arrived together to join their brothers.

The money spent on the boys was considerable, if the sums paid out on clothing are any indication. Robert, whose provision was by no means the greatest of the brothers, received more than £65 worth of clothes in three portions, in December 1539, June 1540 and February 1541.<sup>2</sup> The first of these gifts, perhaps in celebration of his advance to the dignity of commendator and the beginning of his formal education, was of £21.8s - worth of material for a single outfit, a magnificent

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1. TA, vii, 312-4.

2. Ibid., 265, 313, 426.



coat of red velvet, lined with yellow and faced in gold, with matching bonnet and shoes. Whatever its purpose, this costume seems to have been produced for some occasion, as the clothes sent to St Andrews, though more than adequate, seem somewhat more discreet. Not long after arriving in St Andrews, Robert was sent, among other material for the brothers, a black satin gown, coat and doublet, a shirt and a doublet 'for the wark day', with a coffer to put them in. In February of the following year, a servant on horseback brought to the city coats and doublets for John and Robert, three riding cloaks in black velvet, a 'spanze cloke' for John, eight pairs of hose and four silk hats. Details of later provision of this kind for the boys are less explicit, but at the time of their father's death Thomas Arthur, their tailor (who was also responsible for transport to the boys of the articles he made them), was owed £305 'for claythis and uther necessaris furnesit be him to the Kingis grace sonis'. Patrick Bell was at the same time owed £34.5s for 'furringis' ... to thair claithis'.<sup>1</sup>

Little more is known about the young boys' period of education in St Andrews, but, as the presence of the riding cloaks among their wardrobes might suggest, it does not seem likely that their time there was one of cloistered study. Maurice Lee draws attention to the continuing links between James secundus and his family<sup>2</sup> and indeed on 15 June 1543, Robert Douglas of Lochleven was accused of having abducted his stepson 'furth of the ... abbay [of St Andrews] quhair

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1. TA, viii, 147.

2. Lee, James Stewart, Earl of Moray, 18.

he was makand him reddy to cum with the remanent of his brether' to meet Arran, the Lord Governor.<sup>1</sup> In 1541, Robert's mother married John Bruce of Cultmalindie.<sup>2</sup> Robert was eventually to become curator of Laurence, the child of that marriage,<sup>3</sup> and the activities of the pair were to be intimately connected for the whole of their adult lives. It seems certain therefore that periods of education must have been interspersed with fairly frequent visits to the family into which his mother had married, at their seat at Cultmalindie, five miles west of Perth.

## Two

THE monastic foundations to which James secured promotion for his sons were among the wealthiest in Scotland. The priory of St Andrews was in fact the richest of all in terms of minimum income in 1561, with a total of £12,500 per annum.<sup>4</sup> By this criterion<sup>5</sup> Holyrood was fifth in Scotland with an annual income of £5,600.<sup>6</sup> Kelso was seventh with £4,830.<sup>7</sup> It is difficult to discern any pattern in the allocation of benefices to James V's sons, James secundus, whose mother the king wished to marry did, it is true, receive the greatest of the benefices, but the income of James senior's two

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1. ADCP, 528.

2. Fraser, The Lords Elphinstone of Elphinstone, i, 83.

3. Acta Dominorum Concilii et Sessionis, xxix, 80.

4. Easson, Mediaeval Religious Houses, 82.

5. Ibid., Appendix II, 'The Income of the Scottish Religious Houses: The Sources', by Gordon Donaldson.

6. Ibid., 75.

7. Ibid., 59.

abbeys of Kelso and Melrose was little short of that of St Andrews. On the other hand, and for no discernible reason, the income of Robert's abbey of Holyrood was about half that of the houses to which his two brothers were presented, and John's appointment was to a priory whose minimum income in 1561 was a mere £2,600<sup>1</sup> albeit supplemented by the gift of a pension of 800 merks from the bishopric of Orkney.<sup>2</sup> The pattern of provision does not conform to the status of the boys' mothers; James senior and John were the grandsons of minor lairds, James secundus and Robert of Lords Erskine and Elphinstone respectively. Also, with the possible exception of James secundus the pattern does not reflect any particular preference for one mistress against another.

The provision for John gives rise to one interesting consideration. If the income of the priory of Coldingham was deemed so meagre that the portion allocated to the king's son had to be supplemented by a pension, then presumably the sum set aside for him (and thus for each of his brothers) must have been equal to or greater than the sum of the pension, in this case 800 merks - a considerable sum. On the other hand there is no guarantee that the money for the boys' upkeep and education came directly from the institutions of which they were the nominal heads. However, it is possible that the sum appropriated by the crown from each of the houses was calculated on the assumption that it had to meet the needs of its youthful commendator as well as

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1. Easson, Mediaeval Religious Houses, 49.  
 2. James V Letters, 423.



those of his father (hence the need for a pension to supplement the income of a relatively poor house), and also in the knowledge that the boys on reaching maturity would be looking to the houses to provide their adult incomes. This last being the case, then it may be that the pension constituted a proportion of John's intended adult income rather than his upkeep as a child; but it has in the end to be admitted that the pension was a concrete sum pertaining to John personally as opposed to the priory revenues which pertained to him only as theoretical administrator of the priory. Perhaps we can on the whole assume that 800 marks represents a significant proportion of the sum provided for the maintenance of each of the boys.

The problem with attempts to answer questions regarding the disposition of the incomes of the great religious houses which were appropriated to crown use in this way is that nothing in the records of the exchequer gives us any clear-cut evidence of how much the crown derived from these houses or what was done with the money. It is generally accepted that James required these revenues to fill coffers gravely depleted by his mother, Margaret Tudor, and her second husband the earl of Angus, but no attempt has been made to analyse his receipt and disposal of them in detail, if indeed the nature of the exchequer records would allow this. Returning to the question of the income set aside for the king's sons, therefore, we can come to no certain conclusion. The boys may have derived income from the houses of which they were commendators, but it seems quite possible given their common upbringing that a roughly equal sum was provided for each from central funds, their father receiving all the income due to them. In youth, therefore, the difference in the incomes of the abbeys and priories

would mean little or nothing to the king's sons though it would become significant on their attaining majority and administering the funds for themselves. Whether their father thought in detail as far ahead as his sons' maturity is naturally not known, but it could be that financial provision for the boys was very much a secondary consideration beside the need for a means of securing money from the Scottish church. The boys may therefore have been invested, in order of age, as heads of whatever houses fell vacant, or could be made vacant, as each reached tonsorial age.

The avenue to the commenda of Holyrood was opened to the young Robert by the death of James Hay, bishop of Ross, and the king's decision that his successor should be Robert Cairncross, the noted royal adviser who then held the abbey in commendam. In his letter of 15 December 1538, the king requested of Paul III that he declare the abbey vacant and grant the perpetual commendatorship to Robert, who was described as showing 'undoubted promise' despite being only in his fifth year.<sup>1</sup> The royal attention would be given to the fulfilment of that promise. In July the following year, Robert's coadjutor was appointed in the person of Alexander Myln, abbot of Cambuskenneth, who was also to act in the same capacity for James secundus.<sup>2</sup> On 18 August 1539, Robert was admitted to the temporalities of the abbey.<sup>3</sup>

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1. James V Letters, 357.

2. RSS, 11, no. 3096.

3. Ibid., no. 3127.



Alexander Myln was an 'outstanding'<sup>1</sup> abbot of the old, pre-reformation school. Like Robert Reid, his near-contemporary and successor as president of the new College of Justice, he sought reform of the church by the revivifying of (in Myln's case monastic) practice and organisation. Like Reid, his approach was essentially conservative, seeking revival of the church's energies by the overhaul of institutions rather than re-appraisal of its priorities.<sup>2</sup> His main contribution to this was made during periods as clerk of the chapter of Dunkeld and as abbot of Cambuskenneth, before he became a full-time royal official. He took his position as administrator of Holyrood and St Andrews seriously. He prevailed upon the king to write to Rome on 5 June 1540 to secure for him permission to set the lands of Holyrood in tack,<sup>3</sup> a co-adjutor having no power under canon law to alienate immovables.

The picture of Myln given in R. Richardson's Exegesis of the Rule of St Augustine<sup>4</sup> suggests a man of great spiritual worth as well as an able administrator, and it seems hardly possible that he took at face value the king's pretexts for his policy towards the abbeys as given in his letters to the pope. Kelso, for example was in an exposed position and required a 'strong controlling power' for which the royal blood was necessary;<sup>5</sup> the desire to appoint one of his sons to the commendatorship of the priory of St Andrews arose out of James's being 'profoundly

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1. Easson, Mediaeval Religious Houses, 31.

2. See treatment of contrast between reforms in Orkney of Reid and Adam Bothwell in G. Donaldson, 'Adam Bothwell and the Reformation in Orkney', SCHS, xiii (1959), 85.

3. James V Letters, 399-400.

4. Cited by Aeneas Macmaster in 'Alexander Myln of Cambuskenneth', DNB, xiv, 2.

5. James V Letters, 343.



exercised about the firm foundations of the church in Scotland at an unhappy period';<sup>1</sup> Coldingham was wanted for his son John to check 'dangerous communication of new doctrines unfavourable to the Roman see'.<sup>2</sup> However it may be that he genuinely believed that royal appropriation of monastery revenues would be no more than the price to be paid for the protection provided by direct royal control.

The possessions of the abbey of Holyrood, spiritual and temporal, were concentrated in two main areas. The smaller of these, consisting of the barony of Dunrod and the appropriated churches of Twynholm, Balmaghie, Kirkcormack, Kelton and Ur,<sup>3</sup> lay on the Solway coast around Kirkcudbright. These possessions pertained to the abbey by virtue of the twelfth century donation of Fergus of Galloway and Uchtred, his son.<sup>4</sup>

The other main group, much the larger and more important, stretched in a crescent round Edinburgh from Airth in the west to Whitekirk in the east. It consisted of the four baronies of Kerse, Ogleface, Broughton and Whitekirk and embraced also the churches of Falkirk, Kinneil, Livingston, Carriden, Corstorphine, St Cuthbert, Liberton, Mount Lothian, Tranent and Bolton and Bara.<sup>5</sup> As in the more southerly area, all the churches had become Holyrood property at a very early date in the monastery's history; Airth, Corstorphine, St Cuthbert,

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1. James V Letters, 343.

2. Ibid., 426.

3. Ian B. Cowan, 'The Appropriation of Parish Churches', Atlas of Scotland c. 400 - c. 1600, 37, 147.

4. RRS, 1, 253.

5. Historical Atlas of Scotland, 37, 147.

Liberton and Whitekirk had been in the possession of the abbey since the 12th century and had been part of the grant of David I.<sup>1</sup>

At the heart of the Holyrood lands lay Broughton and the Canongate. Broughton was the barony whose jurisdiction extended over all the monastery temporalities around Edinburgh, the Canongate the burgh which David I had given the Augustinian canons of Holyrood permission to found between their abbey and the burgh of Edinburgh. Broughton had been elevated into a regality by David II's confirmation of the original charter in 1343,<sup>2</sup> and this jurisdiction extended to other Holyrood baronies.<sup>3</sup> Nominally part of the barony of Broughton, the Canongate enjoyed a fair degree of autonomy. At a date unknown, the monastery had renounced in favour of the community of the burgh the right of electing their own bailies and council.<sup>4</sup> The regality and barony court of Broughton also functioned as the Canongate burgh court.<sup>5</sup>

Besides the Canongate, the barony of Broughton embraced the burgh of Broughton itself, on the road from Edinburgh to Leith, and the neighbouring lands of Pilrig and Inverleith; to the south of the Canongate lay the adjoining lands of the Pleasance and St Leonards and ranged round the capital were the lands of Saughton, Bonnington, Wrightslands and others, as well as Slipperfield in the sheriffdom of Peebles.

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1. Lawrie, Early Scottish Charters, 116.

2. RMS, ii, no. 337.

3. See Canongate Court Book, where the regality of Broughton is sometimes referred to as that of Holyrood.

4. Ibid., p. viii.

5. Ibid., 1.

The barony of Kerse had its centre between the lower reaches and estuaries of Carron and Avon; Kerse castle lay to the south of the meanders of the Carron about a mile from the Forth. Beyond the Carron lay the lands of Grange, Letham and those of Airth, spiritual and temporal. To the east of the Avon were the church lands of Kinneil and Carriden. The barony extended from the Forth southwards to Falkirk where it bordered on the barony of Ogleface and the Livingston family's lands of Callendar. Whitekirk, the abbey's other and historic barony lay on the North Sea coast a few miles north-west of Dunbar.<sup>1</sup>

Naturally enough, the career of Robert Stewart brought him into important contact with people whose roots lay in the area of abbey lands. The Menteiths of Saltcoats, Kerse and Randyfurd furnished him with followers, as did the Bruces of Clackmannan, near-relatives of the Bruces of Airth.<sup>2</sup> Whitekirk had been in the possession of Oliver Sinclair of Pitcairn, James V's favourite, since January 1539,<sup>3</sup> only a few months before Robert became commendator. Sinclair was closely related to the late earls of Orkney and maintained strong interests in the Northern Isles. His wife was Katherine Bellenden, sister of Sir John Bellenden, the justice clerk, and mother by a previous marriage of Adam Bothwell, later bishop of Orkney. The Bellendens were to acquire a strong interest in the lands of Broughton, which were ultimately erected into a temporal barony on their behalf.

1. See Appendix 3.

2. See Armstrong, The Bruces of Airth and their Cadets, 29.

3. RSS, ii, no. 2857.



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RESPONSIBILITY for the upbringing of the king's illegitimate sons would seem to have rested ultimately with the king himself. On his death, it was assumed by Arran, the Lord Governor, though as will be seen the Queen Dowager also appears to have taken some interest in the boys' welfare. When Robert Erskine of Lochleven was accused in June 1543 of the abduction of his wife's son, it was Arran the boys were being prepared to meet.<sup>1</sup> In August 1546 Robert and James senior were present in parliament.<sup>2</sup> In 1545, the year of their coming of age, James secundus and John matriculated at the University of St. Andrews.<sup>3</sup>

On March 20 of Robert's year of maturity, 1547, a letter was despatched in the Queen's name to Edward VI of England requesting a safe-conduct through his realm for the young Robert in the care of John Hamilton, bishop of Dunkeld, with a retinue of 60 persons.<sup>4</sup> Robert's destination was 'the schools' in France, where it was thought expedient that he should be 'virtuously nourished instructed and brought up in good letters'.

This journey through England was never made, indeed it may well be that the application for safe-conduct was sent only because it was thought that the death of Henry VIII two months before might result in some mitigation of England's aggressive policy towards Scotland.

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1. ADCP, 528.

2. APS, i, 466-79.

3. Early records of the University of St Andrews, 252.

4. CSP Scot, i, 3.

This was not to be; English attitudes remained unchanged, the battle of Pinkie took place six months later, and Robert's journey was postponed until July 1548 when he departed by sea from Dumbarton with his sister. The application to the English king is noteworthy in that it was sent before any French marriage or consequent trip abroad was planned for the young Mary. It suggests that when John, James secundus and Robert accompanied their sister to France it was for the purposes of education, or at any rate not merely to provide companionship for the queen.

In accordance with the act of parliament governing the departure of clerks from the realm, Robert was granted licence to leave Scotland on 11 July 1548<sup>1</sup> he being 'of fervent desyre and mynd to exerce his youthheid studying in lettiris, in gude maneris'. James secundus<sup>2</sup> and John<sup>3</sup> went too. Robert's immediate companions, to whom the licence extended, were John Elphinstone, parson of Invernochty, David Carmichael, vicar of Dunrod, Robert Carmichael and Andrew Callendar. Robert Carmichael, later of Wrightslands, was the young commendator's chamberlain (his brother James Carmichael was to administer affairs in his absence),<sup>4</sup> David Carmichael had been presented to his vicarage the previous year in what must have been one of Robert Stewart's first nominally independent actions,<sup>5</sup> and Andrew Callendar was to receive a tack of the lands of Bowhouse soon after his master's return

1. RSS, iii, no. 2849.

2. Doughty, 'Library of James Stewart, Earl of Moray 1531-70' (IR), xxi, 18.

3. A. Fraser, Mary, Queen of Scots, 31, (Weidenfeld and Nicolson edition, 1969).

4. Dumfries Writs, SRO ref., GD.179, Box 2, 'Pilrig Titles', 1506-1639.

5. Charters of Holyrood, 264.

to Scotland.<sup>1</sup> Also among his companions was James Stewart, son of the late abbot of Dryburgh.<sup>2</sup>

The exact nature of his education in France is unknown, though it is possible that he studied with his brothers under Peter Ramus, the noted French humanist scholar.<sup>3</sup> The latter was an 'old school friend' of Charles, cardinal of Lorraine, brother of Mary of Guise, and it would seem that the dowager was showing the same concern for her husband's sons as she did for their illegitimate sister Jean whom she cared for 'almost as though she were her daughter'.<sup>4</sup>

In the years following his return, from 1551 to 1557, Robert Stewart's life appears to have been without great incident. He was present at meetings of the privy council at Stirling on 20 March 1552 and again at Perth on 16 May the following year,<sup>5</sup> but apart from this references to him in this period consist almost entirely of legal documents of one kind or another, and their venues suggest that he remained close to the court. Indeed the only evidence, apart from the privy council references, of his being anywhere other than Holyrood, the Canongate or Edinburgh consists of a deed registered at Stirling (at court) on 7 April 1553,<sup>6</sup> and a letter of pension to George Towers of Inverleith dated at Kirkcudbright on 15 November 1554.<sup>7</sup>

1. Charters of Holyrood, 157.
2. Register of Deeds, (1st series), i, 421.
3. See Appendix 4.
4. Marshall, Mary of Guise, 73.
5. RPC, i, 119, 141.
6. ADCP, 620.
7. Charters of Holyrood, 159.



Not long after his return from France, he appears to have experienced some difficulties in connection with the administration of the abbey. On 30 September 1552 Robert Carmichael, his chamberlain, was ordered by the lords of council to hand over 'jowellis' of the abbey - copes, a chasuble, a cross, 'ane tystour of silver ourgilt with gold', and other items - and Robert found surety that he would do so. The following day Carmichael duly handed them over and in return Robert, John, archbishop of St Andrews, and William, commendator of Culross, agreed to pay Carmichael all money resting owing 'at the fute of his compt'.<sup>1</sup>

The incident suggests that Carmichael was restive as a result of outstanding debts owed to him, and had acquired his own irregular form of security. The same motive may account for behaviour which led to the action of 20 December of the same year in which the Queen Regent demanded delivery of the letter of tack granted to her by commendator and chamberlain the previous May of the fruits of the abbey resting owing of the crop of 1551 and previous years. Carmichael had been employed to draw up the document but 'wrangouslie posponis to mak deliverance of the samen without he be compellit'. He was ordered to hand over the deed or to show good cause for not doing so.<sup>2</sup> This he presumably did as nothing further was heard of the matter, but Carmichael was again reported as being in possession of 'jowellis' as late as July 1554.<sup>3</sup> After this date, he is no longer designated

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1. ADCP, 617-18.

2. Acts and Decrees, vi, 585; ADCP, 619.

3. ADCP, 635.

chamberlain, though he remained in Robert Stewart's service till at least 1559.<sup>1</sup> In 1555 Sir James Danielston held the office,<sup>2</sup> and the following year Henry Drummond of Riccarton.<sup>3</sup>

The abbey of Holyrood had been in poor condition ever since its sack by the English in 1543. Among the powers specified in a further tack of the fruits of the abbey granted to the Queen Regent by Robert in 1553, was that of choosing a master of work for its repair. Moreover the past administration of the lands had apparently not been all it should have been, since the same document stated that the patrimony had been 'hevelie' hurt by 'feus, long tacks and acquittances'.<sup>4</sup>

Other documents relating to his administration of the abbey consist of the expected charters, tacks, bonds, legal letters and presentations to benefices. The most noteworthy of the land grants is one to Arran of the barony of Kerse on 1 October 1552, a deed witnessed by, among others, Patrick Bellenden.<sup>5</sup> He also granted a charter on 3 July 1552 to John, Lord Borthwick, of the lands and barony of Whitekirk appraised from Oliver Sinclair and his wife,<sup>6</sup> though Sinclair must afterwards have succeeded in redeeming the barony as he was still in possession of it as late as 1570 when he was involved in litigation regarding it with Gilbert and Sir James

1. RMS, iv, no. 1385.

2. Register of Deeds (1st Series), i, 123.

3. Ibid., ii, 57.

4. ADCP, 620-1.

5. Charters of Holyrood, 276, 288.

6. Laing Charters, 157, no. 600 (Precept, Rutherford of Edgerston Muniments, SRO ref. GD.114/1/61).

Balfour.<sup>1</sup> As superior of the burgh of the Canongate, Robert granted letters in 1554 permitting the crafts of cordiners and tailors to extend their powers to the craftsmen of Leith, and the cordiners in addition received permission to erect an altar to Saints Crispin and Crispinian.<sup>2</sup> The following year he contributed 500 merks to the tocher of his illegitimate<sup>half-</sup>sister Jean, betrothed to the son of the earl of Argyll.<sup>3</sup>

While the surviving evidence of Robert's life in his late teens and early twenties is not especially illuminating as to the growth of his character and political views, events were taking place during the period whose culmination would give him the chance to demonstrate his character in an active role. In the winter of 1555-6, John Knox returned to Scotland for the first time since his exile after the siege of St Andrews (the latter event is one which the young Robert and his brothers might well have witnessed). Among the members of the Scottish nobility whom he persuaded towards Protestantism was James secundus, whose education would seem to have made him a receptive listener to Knox's ideas.<sup>4</sup>

For various reasons, however, Robert's brother remained for the time being an adherent of the Queen Regent; the active part that he was to play on behalf of the new religion and an English alliance was

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1. Canongate Court Book, 132-3.

2. Canongate Privileges, 27; Charters of Holyrood, 290, 292.

3. Register of Deeds, (1st series), i, 123.

4. Doughty, 'Library of James Stewart, Earl of Moray', passim.



to come later.<sup>1</sup> His change of heart when it came was to lay him open afterwards to charges of treachery. Whatever the justice of defences of it (such as that of Maurice Lee)<sup>2</sup> it constituted a very distinctive course of action. Thus when Robert is found in support of his brother both before and after the latter's change of political direction, the extent of the older man's influence on the younger becomes apparent.

In August 1557 in James's 'initial venture ... into high politics',<sup>3</sup> he, Robert and Lord Home conducted a raid into Northumberland on the Regent's behalf.<sup>4</sup> The exploit was unsuccessful, the Scots having to withdraw in the face of a large English army assembled by the earl of Northumberland. For eighteen months or so, James Stewart played a cautious game, but a growing belief that it was the Regent's intention to crush Protestantism convinced him of the necessity for direct action against her. Robert followed him.

Robert remained close to the centre of politics, being present in parliament in November 1558.<sup>5</sup> Although he does not appear to have played any important part in the policy decisions of the Lords of the Congregation, he was at the meeting of the Lords with Arran at Hamilton in September 1559 and subscribed letters sent by them to the

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1. Lee, James Stewart, Earl of Moray, 26-39.

2. Ibid.

3. Ibid., 27.

4. Ridpath, The Borders: History of England and Scotland, 585-6.

5. APS, ii, 503.

Regent on the 19th.<sup>1</sup> He attended subsequent gatherings at Stirling and Linlithgow and witnessed the forcible entry of Congregation forces into Edinburgh. He subscribed another Congregation letter to the Regent on 19 October and was present at the siege of Leith and the 'deposition' of the Regent. On 31 October, during a 'black week'<sup>2</sup> for the Congregation, he earned himself an honourable mention in Knox's History.<sup>3</sup> The French had attacked and captured the Congregation's heavy artillery on the road to Leith. Rumours that they had then penetrated as far as Leith Wynd sent the Congregation's supporters into a fleeing turmoil, Sir John Bellenden the justice clerk being among the 'feeble' who fled. After Argyll had managed at length to stop the flight, it was Robert who led the Congregation's forces as they issued furth of the West Port in a counter-attack. The following day he was on the Calton Hill as two pieces of artillery were mounted from which several shots were fired at the Regent's besieged forces.<sup>4</sup>

Little more than a week later, however, he had 'shamefully submitted'<sup>5</sup> to the Queen Regent. At the time he was apparently alone in this, though by the turn of the year, several others had joined him, including Lord Ruthven and the abbot of Dunfermline.<sup>6</sup> It is not possible to account with any degree of certainty for Robert's change

1. Report by De La Brosse and D'Oysel on Conditions in Scotland, 119.
2. Lee, James Stewart, Earl of Moray, 53.
3. Knox, History of the Reformation, i, 260.
4. Report by De La Brosse and D'Oysel on Conditions in Scotland, 120.
5. CSP Scot, i, 267.
6. Ibid., 290; Papal Negotiations with Mary, 418.

of allegiance. It could simply be that this was the first evidence of the undoubted untrustworthiness which helps to explain the uniformly poor opinion which observers were later to express of him. Fortified Leith was proving too strong for the besieging forces and French successes made the future of the reformers seem much less assured in November 1559 than it had done a month before.

On the other hand, however, the observer who described Robert's conduct as 'shameful' - Thomas Randolph - was of course an Englishman and thus hardly likely to look kindly on anyone who deserted his country's favoured cause. Moreover the whole situation was naturally a complex one in which politics, religion, personalities and personal rivalries were intermingled. While Robert might have supported his brother as leader of the Congregation, this by no means guaranteed that he had similar feelings towards the Hamiltons, and indeed his behaviour in later months suggests that he was no friend of the young Arran. Later too, he was to state that he had been unwilling to support the formal deposition of the regent on 1 October 1559, and it would seem reasonable to infer that thereafter he became more and more disaffected from the cause of the reformers. The Congregation's intended replacement of Mary of Guise with a committee in which two of the key positions were held by Chatelherault and his son could hardly be expected to appeal to Robert.

On 8 February 1560, he gave evidence in the inquiry into the 'treason' of Arran, bearing witness to the participation of the earl in action in which he himself had taken a hand. Most notably he



testified to having seen Arran append his signature to the letters which he had himself signed.<sup>1</sup> He said little regarding his own motives or views apart from an assertion that he had not wished to consent to the deposition of the regent.

At the end of March, the English invaded Scotland. Robert went to Leith with the Frenchman D'Oysel, Lord Seton, the archbishop of Glasgow and others and remained there for some time during the English siege of the port.<sup>2</sup> By the second week in May, however, he had deserted Mary of Guise's forces and he signed a ratification of the treaty of Berwick at the Congregation's Leith camp on the 10th.<sup>3</sup> The English generals regarded his change of side as of little military or political significance.<sup>4</sup> Again the reasons for the change are obscure; it is tempting to see it purely as the result of the recovery of the Congregation's cause with the direct intervention of the English, and by the fatally worsening position of the regent, both in politics and in health, but other factors in the political situation had changed too. If Robert had objected to the extent of the challenge to established order represented by the deposition of the regent, then he might have been persuaded back to the Congregation by the undertaking in the bond signed at Leith on 26 April 1560 which (under pressure from potential supporting bodies such as the

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1. Report by De La Brosse and D'Oysel on Conditions in Scotland, 119.
  2. Diurnal of Occurrents, 274.
  3. Knox, History of the Reformation, i, 308.
  4. CSP Scot, i, 407.

burgh of Aberdeen)<sup>1</sup> emphasised obedience to lawful sovereigns.

Whatever his motives, his 'shameful' behaviour does not appear to have harmed his reputation too greatly; he obviously still retained some standing in public affairs. He signed the letter from the lords of Scotland to Elizabeth thanking her for her support.<sup>2</sup> His religious views do not appear to have changed despite his political manoeuvrings, and in parliament in August he was described as 'one of those who had renounced popery', and was stated to be among those to be sent in a special thanksgiving delegation to the English queen.<sup>3</sup> Indeed Randolph in a letter to Cecil expressed the hope that Lord Herries and Robert Stewart would be the ambassadors for reasons that 'your honour shall shortly learn from Lethington or me',<sup>4</sup> but which were unfortunately never disclosed. The selection was confirmed some days later, but in the end Robert did not go to England. There seems some doubt as to whether he was in the end selected for the delegation. Keith is of the opinion that he was, but he 'probably left the trouble of the journey to others'.<sup>5</sup> A letter from Randolph to Cecil of August 19 agreed that he was appointed to the 'viage',<sup>6</sup> but another dated six days later stated that he was not in final choice of ambassadors, but was nonetheless very willing to go south to meet the queen.<sup>7</sup>

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1. Donaldson, James V - James VII, 101; Aberdeen Burgh Records, i, 322.
  2. CSP Scot, i, 450.
  3. Ibid., 460.
  4. Ibid., 462.
  5. Keith, Affairs, iii, 9 and n.
  6. CSP Scot, i, 466.
  7. Ibid., 470.

When this momentous assembly was over, Robert appears to have slipped into the background. After a reference to his being at Holyrood on 23 August 1560,<sup>1</sup> there is no further evidence of his activities until August the following year when he was at Leith to meet his sister Mary on her return from France. Willing enough to play a part of sorts in times of active campaigning, or to append his name to an important document beside those of other notable men, he does not seem to have been thought worthy of any regard when it came to everyday administration in the delicate position in which Scotland found herself as a result of the victory of the Congregation. Whatever his activities after the parliament of 1560, it is not until a year later that he again comes into view, this time for an extended period which gives a more rounded picture of the character sketched in by events hitherto.

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1. RMS, iv, no. 2380.



## 2. SCOTLAND AND THE NORTHERN ISLES, 1468-1564

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ON 5 April 1541, James V wrote to the pope, Paul III, recommending Robert Reid as bishop in 'the scattered isles in the polar ocean'.<sup>1</sup> Among the reasons he gave for putting forward a strong, able and trusted royal servant was that the neglect of previous bishops had led to the unsatisfactory observance not merely of the true religion, but also of the laws, 'for there the episcopal authority usually comes next after that of the king'. While it is never wise to place implicit trust in James's submissions to the pope - witness his letters on behalf of his sons - this reference to the position of the bishopric in the islands is an expression of a longstanding attitude of Scottish kings to the question of political power in the islands.

The bishops had long been agents of a growing Scottish influence in Orkney and Shetland, beginning well before the events of 1468-9 and to some extent transcending them. By the last quarter of the fourteenth century, the bishops seem already to have been beyond the control of the Norwegian crown. In 1379, when Henry Sinclair of Roslin was presented as earl, he was compelled to swear an oath that he would not 'enter into or establish any friendship' with the bishop.<sup>2</sup> From 1384 the bishops were Scotsmen and it was almost certainly the first of these, Robert Sinclair, who was responsible

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1. James V Letters, 423.

2. REO, 23-4, no.xi.

for the see of Orkney following Scotland's lead in recognising the Avignon papacy in the Great Schism.<sup>1</sup> This in turn would seem to have resulted in the obscure shift of allegiance by the see from Nidaros to St Andrews, confirmed in the bull elevating St Andrews to metropolitan status a century later.<sup>2</sup> The appointment of Thomas Tulloch in 1420 brought another notable change in favour of Scottish influence; the substitution, in Orkney at least, of Scots for the native Norn tongue in legal and administrative documents.<sup>3</sup> Under the influence of Tulloch and others the influx of Scottish churchmen became so strong that in Orkney 'not only was there not a single Norse ecclesiastic after 1450, but not even a native of the Orkneys or Shetlands'.<sup>4</sup>

The earldom, though held by Scottish families from 1232 onwards, did not further Scottish influence to anything like this extent. The Angus and Strathearn lines consisted of 'absentee shadow earls'.<sup>5</sup> and even the Sinclairs often let their personal interests in Scotland take precedence over their northern affairs, as in the case of the second earl Henry and earl William.<sup>6</sup> Earl Henry I, far from making friends with the bishop, bishop William, appears to have compassed his death, in 1382.<sup>7</sup> However, given Henry's other activities - the murder of Malise Sperra, a Norwegian rival for the earldom, the building of the

- 
1. Kolsrud, Den norske Kirkes Erkebiskoper og Biskoper indtil Reformationen, (Diplomatarium Norvegicum xvii) 300.
  2. Diplomatarium Norvegicum, vii, 475.
  3. Marwick, The Orkney Norn, xxii.
  4. Brøgger, Ancient Emigrants, 184.
  5. Clouston, History of Orkney, 229.
  6. Ibid., 241, 244 et seq.
  7. Ibid., 236.

massive castle of Kirkwall in contravention of the undertakings at his installation - the killing of the bishop would seem to have been aimed at strengthening the earl's own power rather than demonstrating any allegiance to Norway. The Norwegian king had in fact felt it necessary to impose certain restrictions on the Sinclair earls besides those regarding fortification and relations with the bishop. Henry Sinclair had to undertake that he would not 'raise or begin any war, litigation or dissension' that might cause damage to Norway; that he would not violate any truce or peace made with other countries by the king; that he would 'assume in no manner of way' [to himself] the lands of his lord the king.<sup>1</sup>

In the fifteenth century, therefore, the earldom still provided, as it had done in the days of Harald Fairhair and later those of Sverri, victor of Flurovoe, a small but strong semi-independent sphere of influence for whoever succeeded in establishing power there. It was a stronghold which was only ever mastered by military intervention on a major scale. This had been demonstrated more than once in the Saga time, and events were to show that it was still true in the years between 1469 and 1614.

It is scarcely to be wondered at, then, that when James III finally gained a measure of formal control over the islands, he effectively abolished the independent earldom by compelling William Sinclair in 1470 to part with it in exchange for land at Ravenscraig

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1. REO, 26, no. xi.



in Fife.<sup>1</sup> As we shall see this certainly did not mean that the Sinclair interest in Orkney came to an end and as Barbara Crawford has pointed out,<sup>2</sup> earl William did far better out of his excambion with the king than has previously been thought. However, as Dr Crawford also makes clear, earl William's long-standing preparations for a crown takeover, and the considerable concessions he secured, indicate that he had long thought royal intervention inevitable. In February 1472 the earldom of Orkney and lordship of Shetland were annexed to the crown, with a proviso that they were not to be alienated except to legitimate offspring of the monarch.<sup>3</sup>

A decisive policy such as this was of course necessary for other reasons. The hold which the Scottish crown had established over the islands was even weaker than King Hakon's had been when he had sought to put limitations on the power of earl Henry. For one thing, after the events of 1468-9, the islands were held in pledge only; for another, so long as the earldom remained a separate entity, holding its lands in the islands of the crown, the mainstays of royal control were an overlordship which was difficult to enforce, and a measure of direct control extending only over 'Old Kingsland' - the old private property-lands of the kings of Norway confiscated from the Orkney 'island-beards' after the battle of Floruvoe in 1194.<sup>4</sup> The Scottish king's power was greater in Shetland, which had been

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1. RMS, ii, no. 996.

2. Crawford, 'The Earldom of Orkney and Lordship of Shetland: A Re-interpretation of their Pledging to Scotland in 1468-70', Saga Book, xvii (1969), 156.

3. APS, ii, 102.

4. Marwick, Orkney Farm-Names, 192.

under the direct control of his Scandinavian predecessors since that date, but this was not enough. James III established direct control over the earldom lands and embarked on a policy of leasing them out to tacksmen for administrative purposes. Understandably, the first two of these were bishops, William Tulloch and Andrew Painter, who held the tack successively from 1474 to 1488.<sup>1</sup>

The crown policy of employing the bishops as administrators did not remain unchallenged for long, however. The first threat came quite soon in the form of the activities of Henry, Lord Sinclair, grandson of earl William. He is first mentioned, in the exchequer account of 1485, as renter of the lordship of Orkney and Shetland sub reverendo patre Andrea episcopo eiusdem.<sup>2</sup> In 1486-7 the accounts bear no name (unlike all the previous years from 1474), but again in 1488 Henry Sinclair is styled 'intromitter'. Finally, in 1489, he became undisputed tacksman himself.<sup>3</sup> Several points regarding the events of this time indicate the expected unwillingness on the part of the crown to contemplate this last appointment.

Henry Sinclair's first appearance in connection with Orkney and Shetland, some time before August 1485, was followed soon after - on 31 March 1486 - by the erection of Kirkwall into a royal burgh, strengthening the municipality by the award of considerable tracts of surrounding land, the unexampled grant of custody of the cathedral

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1. ER, viii-ix, passim.

2. Ibid., ix, 306.

3. RMS, ii, no. 1842.

building, and the usual privileges - all on a blenche ferme basis, the reddendo being four merks annually if asked.<sup>1</sup> The difference this gift made to the burgh as regards its relations with the South was slight. Its terms naturally meant that Kirkwall did not appear independently on the exchequer rolls and it sent no burgh commissioners to parliament till 1669.<sup>2</sup> The charter would seem to have been aimed at strengthening Kirkwall within the islands, freeing it from the possible control of any local magnate and putting it in possession of the largest fortifiable building in its area outside the castle.

Henry Sinclair did not receive his tack until May 1489, after the death of James III and the succession of his 15-year-old son. It was for 13 years, a curious length of time suggesting the final, formal, reluctant recognition by the crown of a state of affairs which had existed for upwards of five years - the balance, in fact, of the more usual length of time for a tack, that of 19 years.

In addition, the bishopric, whose incumbent had been unsuccessful in fighting off Lord Sinclair, was strengthened in 1490 by the erection of its lands into a regality,<sup>3</sup> and five years later by the granting to bishop Andrew and his successors of the island of Durray,<sup>4</sup> a grant ratified by the king on his declaring himself of perfect age in 1498<sup>5</sup> and specifically excluded from the earldom lands in the

1. Kirkwall Chrs., 1-28.

2. Pryde, The Burghs of Scotland: A Critical List, 25.

3. RMS, ii, no. 1974.

4. Ibid., no. 2232.

5. Ibid., no. 2414.



renewal of Henry Sinclair's tack in 1501<sup>1</sup> and in other renewals thereafter.

Finally, on 29 May 1489, the day following the grant to Henry Sinclair of his tack with the offices of Foud, Justice and Bailie and the custody of Kirkwall Castle, identical grants were made to Patrick, earl of Bothwell, Sinclair's brother-in-law, and John Hepburn, prior of St Andrews, Bothwell's uncle.<sup>2</sup> This was an odd arrangement but may have been intended as an attempt to provide an alternative power, should Henry Sinclair's tenure of the tack prove unsatisfactory. It was never acted upon, and though this was not to be the last time that an earl of Bothwell was to have a connection with the Northern Isles, later examples were to show that major Scottish nobles without family or other links in the islands could rarely be induced to take an interest in them.

Henry Sinclair retained the tack of the earldom until his death in 1513, whereupon it passed to his wife, Margaret, the earl of Bothwell's sister, with the judicial powers which had accompanied it going to his brother, Sir William Sinclair of Warsetter.<sup>3</sup> Not for more than half a century, till the time of James V and Robert Reid, did a bishop again figure prominently in events in the islands; instead, judicial and administrative powers remained in the hands of members of the Sinclair family. It can be seen, therefore, that

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1. RSS, i, no. 681.  
 2. RMS, ii, no. 1844-5.  
 3. Clouston, History of Orkney, 284.

although James III had made the bishops the principal royal representatives in the islands, any attempt there may have been to expand this into a regular policy was threatened seriously during the latter days of James III and collapsed completely on his death.

This collapse was due, in the period up to 1540, to the inability of the bishops to withstand the determination of the Sinclair family to maintain their influence in the lands that had been taken from them by James III. Henry Sinclair's actions suggests that he was interested in the islands not simply as a means to power, but as territories to which he had an ancestral right. He lost no time in compiling what was to be the first of two rentals, completed in 1492.<sup>1</sup> In it he included, besides the lands of the earldom, certain bishopric lands on which skat was to be paid. Marwick's explanation for this is that Henry Sinclair was suspicious of the bishopric's right to these skats, acquired from the earldom in the time of William Tulloch.<sup>2</sup> If correct, it suggests that he was attempting to restore the earldom lands to the extent they had had under his grandfather. These bishopric lands are not represented in the second of his rentals, completed in 1504<sup>3</sup> and it may be that he abandoned attempts to reappropriate them because of the opposition of a crown determined to shore up the bishopric. In March 1502 he was charged to make no impediment to bishop Andrew, confirmed in his lands and regality

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1. Hugh Marwick Papers, SRO ref. GD.1/236/1.

2. Marwick, Orkney Farm-Names, 194.

3. Peterkin, Rentals, 1, 1-101.

after the king's general revocation,<sup>1</sup> and in June of the same year the lawman of Orkney was ordered to cease from intromitting with lands and teinds pertaining to the bishop.<sup>2</sup>

In his later years, however, Henry Sinclair appears to have striven to maintain good relations with the crown. An attempt in 1502 by the Norwegian king to present his own nominee to the archdeaconry of Shetland to the prejudice of the Scottish candidate met with no success.<sup>3</sup> He spent much of his time in the south and when he died it was at Flodden in the service of the king.

Two

ALTHOUGH Sir Henry's widow received her husband's tack on his death, Sir William Sinclair of Warsetter 'to all intents and purposes stepped into his brother's shoes',<sup>4</sup> and during his lifetime, the islands would appear to have remained fairly quiet. However, on his death, which occurred about the end of 1525,<sup>5</sup> conflict flared up among the Sinclairs. On one side was William, Lord Sinclair, son of the late Henry; on the other were Sir William's sons, the illegitimate James of Brecks and Edward of Strome, the legitimate Magnus of Warsetter. This struggle was to culminate in the last pitched battle

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1. RSS, i, no. 787.

2. Ibid., no. 848.

3. Ibid., nos. 755, 762.

4. Clouston, History of Orkney, 285.

5. Ibid.



to be fought on Orcadian soil, at Summerdale in the hills of Stenness in the summer of 1529.

There is evidence of Lord Sinclair and his followers harrying the islands as early as 1525,<sup>1</sup> but matters did not come to a head until Passion Week 1528, when James Sinclair of Brecks and his men stormed the castle of Kirkwall.<sup>2</sup> Lord Sinclair went south and obtained royal letters charging James and Edward Sinclair to hand over the castle and to underlie the law for the deaths which had occurred in the course of their assault on it. James Sinclair's reply was to prevent his cousin's messenger from executing the letters and to throw him into prison. Shortly thereafter, Lord Sinclair invaded Orkney with an army led by himself and another cousin John, earl of Caithness, himself the superior of land in Shetland.<sup>3</sup> The result was utter defeat, the capture of Lord Sinclair and the deaths of the earl and thirty of their followers.

Though it is not possible to be specific about the causes of this trouble, Storer Clouston places the onus of blame on Lord Sinclair for two reasons: firstly the broad support which the islanders appear to have given James and Edward Sinclair at Summerdale, and secondly, the crown's attitude to events in the islands.<sup>4</sup> Although he takes note of the role of kinship in the strife which led

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1. ER, xv, 152.

2. REO, 57, no. xxv.

3. OSR, 97, no. 52.

4. Clouston, History of Orkney, 288-90; 'The Battle of Summerdale', OLM, ii, 95-100.

up to Summerdale, he places considerable emphasis on the supposedly patriotic and democratic nature of the islanders' army. The somewhat incongruous picture (from Holinshed)<sup>1</sup> of the saintly Magnus appearing on this murderous field is snapped up with relish - 'Thus, led by their saint and the stout James Sinclair and his brother, the Orkney men for the last time fought and won a pitched battle on their native soil'.<sup>2</sup> This is a most appealing picture and there is certainly no evidence to suggest that James Sinclair's was not a popular cause. Treating James Sinclair's stand as essentially patriotic is understandable, and it is an interpretation which has drawn support from the highest quarters. It is implicit in Croft Dickinson's view of the possible nature of Lord Sinclair's largely unrecorded, but supposedly provocative behaviour between 1526 and 1529. Treating of the growth of Scottish practice in the legal administration of the islands, he suggests that the islanders' ire might have been roused by his use of Scottish procedures if not by 'some more flagrant infringement of odal rights'.<sup>3</sup>

But both Storer Clouston and Croft Dickinson would appear to draw too sharp a contrast between the parties involved in the dispute. A family struggle it undoubtedly was. James Sinclair, Edward Sinclair, Magnus Sinclair, William, Lord Sinclair and John, earl of Caithness, were all close blood relatives.<sup>4</sup> In their attack on the castle of Kirkwall (according to Lord Sinclair) Sinclair of Brecks and

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1. Clouston, History of Orkney, 288.

2. Ibid., 290.

3. Dickinson, 'Odal Rights and Feudal Wrongs', Viking Congress, 149.

4. See Appendix 5.

his men killed three of their own 'brether bairns' John, Nicol and David Sinclair. With the stout James at Summerdale were representatives of other branches of the Sinclair family from both Orkney and Shetland, of House and of Havera, with others undesignated, all placed significantly at the head of the list of those who took part.<sup>1</sup>

The idea that it was Lord Sinclair's employment of Scottish procedures to the disadvantage of the islanders that caused the rising against him seems to stem from the view of him as the southern invader; it does not provide evidence of his being such. In the first place the only real evidence for his employment of Scottish usages consists of the means he chose in seeking outside assistance from the crown. In the second, it is difficult to imagine the measures employed - royal letters of four forms to be executed by a sheriff in that part - being particularly calculated to supplant udal rights. In the third, it is hard to see how crown intervention could have taken any other form - or how possible equivalent Norwegian or Danish action could have been very different in form or effect. Finally, James Sinclair himself was ready enough six years later to accept a rather dubious feudal grant from the crown.<sup>2</sup>

Summerdale terminated Lord Sinclair's claim to control of the earldom lands though it did not end his interests in the islands.<sup>3</sup> He had been the loser in what had been essentially a family feud and

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1. RSS, ii, no. 3151.

2. RMS, iii, no. 1479.

3. Correspondence of Mary of Lorraine, 85.



far from his using the help of the crown to enforce his will on the islands, central government was throughout lukewarm in its attitude towards him. He had only received his letters after a wait of nearly a year, and his defeat was greeted by a crown attitude that seems at first irresolute, if not paradoxical. The actions of James Sinclair and his followers - refusal to allow Lord Sinclair's messenger to execute his letters, armed resistance to his attempts to assert his rights - were little short of treasonable, and rendered all the more heinous by their effectiveness; yet no action whatever was taken on Lord Sinclair's behalf. The first measure by the crown after Summerdale was an abortive attempt to interest the earl of Moray in the islands by putting him in place of Lady Sinclair as lessee,<sup>1</sup> but like the earl of Bothwell before him, he appears to have taken no action. Within a few years however came a complete volte-face by the government; the total rehabilitation of James Sinclair of Brecks, giving him control of the island administration.

After 1531, the crown took no further action for four years. During that period, evidence for James Sinclair's activities takes the form of references to his seal being used in two documents, both concerning members of the Irving of Sabay family. The first, dated 15 June 1534 designated him as 'Justice of Orkney for the time',<sup>2</sup> the second, of 12 January 1535, simply as 'Justice of Orkney'.<sup>3</sup> There is no reference to his having been appointed justice by the crown or

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1. RSS, ii, no. 766.

2. REO, 216, no. cx.

3. Ibid., 219, no. cxiii.

justice depute by Lady Sinclair, and in a complaint against him before the lords of council in March 1535 by Thomas Miller, an English merchant, for spoiling his ship, he is merely styled 'subject' (legium).<sup>1</sup> This suggests that James Sinclair's strength in the islands was now such that he could award himself the title of justice, and anyone seeking recompense from him had to appeal to central government itself. This strength was undoubtedly the result of his military success, but James Sinclair in 1535 was getting stronger still as a result of new growth of favour towards him at court. On 17 June he was legitimated,<sup>2</sup> knighted and received a charter of the islands of Sanday and Stronsay.<sup>3</sup> The charter was a document doubtful in its legality,<sup>4</sup> but the gifts together constituted evidence of a decisive new policy by the crown.

There were a number of familiar measures taken at the same time to hedge the power conferred by the gifts. Lady Sinclair's tack was renewed for a further seven years on 15 July 1536.<sup>5</sup> In February the following year, Kirkwall's burgh charter was renewed, the only alteration in the terms being the augmentation of the reddendo by one merk.<sup>6</sup> At the same time James Irving of Sabay was granted a confirmation, in feudal form, of his rights to his udal estates.<sup>7</sup> As in the case of Henry Sinclair, formal recognition of James Sinclair's position in the islands was accompanied by the proffering of guarantees to other

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1. RSS, ii, no. 1665.

2. Ibid., no. 1697.

3. RMS, iii, no. 1479.

4. REO, 220n.

5. RSS, ii, no. 2088.

6. Kirkwall Chrs., 1-28.

7. REO, 220, no., cxv.

interests there. The reason given for the confirmation of Kirkwall's charter was that encroachments had affected 'the yearly rents and profits of all their common good ... as well as their quoyes, rights of patronage, prebendaries ... detained and withheld from them by some of the inhabitants within the said island (Mainland) of Orkney'.<sup>1</sup> Mooney thinks it 'pretty certain' that it was 'episcopal domination' that James V was trying to head off. However, he cites no evidence for this, but rather notes the appropriations of Robert Reid in the following decade, when conditions were rather different. The reference to 'some of the inhabitants' is (perhaps deliberately) vague, but would seem to suggest local magnates rather than the bishop. Royal policy, far from discouraging the bishops' augmentation of their power, would seem actively to have promoted them in their efforts. Certain measures in that direction have been noted, as has James V's own stated view of the bishop's place in the islands, and there seems little doubt that Robert Reid's activities, as part of a wholesale reform of the church in Orkney and Shetland,<sup>2</sup> had active crown backing rather than merely the forbearance of a regent who (as Mooney would have it) was a 'tool of the bishop's'.<sup>3</sup>

Clouston's explanation for the promotion of James Sinclair is that since Orkney and Shetland were still redeemable by their former suzerain 'the Scottish government was well aware that it might be called on at any moment to hand back the islands, and that if the

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1. Kirkwall Chrs., p.xvi.  
 2. REO, 363, no. ccxxxvi.  
 3. Kirkwall Chrs., p.xvi.



islanders themselves grew restive the situation might become awkward'. Viewed in this light the awards become 'perfectly comprehensible sops'.<sup>1</sup>

At first sight, this seems a reasonable enough explanation; the crown's actions can certainly be interpreted as indicating a preference for stability in the islands to a conscientious pursuit of the rights of any particular cause. Neither Lord Sinclair nor his mother could govern effectively, so Moray was approached to take the islands in hand. He would not, so the crown's only recourse was to the other side in the dispute. However, there are other points to be considered. In the first place, a knighthood and a grant of land seem more than would be necessary to signal mere tacit recognition of James Sinclair's position, or even to show a new-found approval of what he had done. Secondly, if we look for anything that might explain this sudden favour, it becomes clear that the apparent change in the crown's attitude coincides with the growth in influence at court of a near-relative of the Orkney Sinclairs - James V's favourite, Oliver Sinclair of Pitcairn.

Oliver Sinclair was a first cousin of the late earl of Caithness, and was almost as closely related to William, Lord Sinclair and the Warsetter Sinclair brothers.<sup>2</sup> It has not been possible to find evidence of any direct interest on his part in Orkney and Shetland before

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1. Clouston, History of Orkney, 291.

2. See Appendix 5.

the grant to him of a tack of the earldom lands in 1541;<sup>1</sup> however, it does not seem unreasonable considering his family connections and his continuing interest in the Northern Isles in after years to suppose that he was interested in events in the north during the Summerdale period. In a letter to Mary of Guise of 23 November 1543 his wife, Katherine Bellenden, speaks of 'our native rowmes quhilk my husband and his surname hes brukit thir thrie or four hundreth yeiris'.<sup>2</sup> This is an explicit statement that Sinclair and his wife regarded themselves as having rights by 'kindly' - long-standing, almost hereditary - tenancy;<sup>3</sup> these 'rowmes' were in the Northern Isles, not in Scotland, and Oliver Sinclair's interest there was to survive considerable vicissitudes and last right into the 1560s.

His ascendancy at court dated from the mid-1530s. By 1536 he was sufficiently close to the king to be included in the latter's marriage-expedition of that year, and shortly afterwards he replaced Hamilton of Finnart in the king's esteem.<sup>4</sup> During the middle 1530s therefore, he was the recipient of growing royal favour (interestingly, in 1538 he and James Kirkcaldy of Grange received the ward of the late earl of Caithness)<sup>5</sup> and it seems more than coincidence that the progress of his cousin James from outlaw to knight and crown tenant

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1. RSS, ii, no. 3989.

2. Correspondence of Mary of Lorraine, 47.

3. For discussion of the implications of a statement such as this, citing a case involving questions of tenure in which similar phraseology is used, see Donaldson, The Scottish Reformation, 40.

4. Bingham, James V, King of Scots, 118.

5. RSS, ii, no. 2458.

should keep pace with his own rise at court. Belief in his support for the victors of Summerdale would seem to be borne out also by his appointment of Edward Sinclair of Strome as one of his sheriff-deputes in 1541<sup>1</sup> and by the strained relations between him and Lord Sinclair in the 1540s.<sup>2</sup>

At the same time, it is difficult to assess just how significant Danish influence was as regards royal judgment. From the impignoration to the death of James IV, there had been virtual silence on the subject. Albany had mentioned it in his briefings to envoys in 1515<sup>3</sup> and again in 1524.<sup>4</sup> In 1515 it was suggested that the islands were to be redeemed 'in the near future' and that demands had been made for the restoration of the Orkney see's recognition of Nidaros as its metropolitan. Nothing further was heard of this and although it was Albany himself who broached the subject nine years later, it seems to have been in the sure knowledge that King Frederick was too poor and preoccupied to take him up on it. By the time of James V's personal rule, the crown seems to have been quite certain of its power to dispose of the islands at will. They were included in the jointures of both James's queens<sup>5</sup> - in the case of Madeleine de Valois they were referred to as a duchy - at virtually the same time as the events previously described. Danish interest in the issue undoubtedly

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1. Clouston, History of Orkney, 293; Strome in return gave Oliver Sinclair a bond of manrent, Acts & Decrees, i, 208.
  2. Correspondence of Mary of Lorraine, 85-6.
  3. James V Letters, 25.
  4. Ibid., 98, 102.
  5. Ibid., 216, 298, 341.



revived from the late 1540s onwards,<sup>1</sup> but both then and at this earlier date, the kings of Scots do not appear to have felt themselves in any danger of commitment. In the end therefore, while there may be some substance in Storer Clouston's explanation of crown behaviour, it seems more likely that James V's treatment of James Sinclair was brought about by influences closer to home than Denmark.

Sir James Sinclair of Sanday did not enjoy his success long, however. In 1539 his life ended mysteriously with his suicide at the Gloup of Linksness.<sup>2</sup> Nonetheless, royal favour continued to support his cause, and in April 1539 his widow was granted the escheat of his goods.<sup>3</sup> In September of the same year his followers were respited for the part they had played in the battle.<sup>4</sup>

His career, although conspicuously successful, was perhaps more significant by its example than by any direct lasting effects. He realised a claim to administrative power based on military support rather than strict legality. He seized control of Orkney and Shetland, ejected rivals, and demonstrated to succeeding generations the great difficulty of taking the islands by force of arms if their defenders had any competence or determination. The example of Summerdale was reinforced twenty years or so later when an attempted landing by the English ended in disaster.<sup>5</sup> In the forthcoming years occasional

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1. Goudie, Antiquities of Shetland, 213-29.

2. Clouston, History of Orkney, 292.

3. RSS, ii, no. 2999.

4. Ibid., no. 3151.

5. Pitscottie, Historie, ii, 118; CSP Spanish, xiii, 320.

threats of invasion were to be made - by Patrick Bellenden in 1587<sup>1</sup> and by Francis Stewart, earl of Bothwell, in 1590,<sup>2</sup> for example - but threats were all they remained.

Summerdale introduced another new factor into the politics of the Northern Isles; the antipathy of the earls of Caithness. Though not perhaps an obvious element in the events of the ensuing years, it was to surface briefly in 1560,<sup>3</sup> and in 1614 it was to provide the impetus for the successful invasion of Orkney which brought Stewart rule there finally to a close.<sup>4</sup>

### Three

Oliver Sinclair of Pitcairn and Whitekirk was the next holder of a tack of the earldom lands of Orkney and Shetland. In addition he received the constabulary of Kirkwall Castle and the office of sheriff (as opposed to that of lawman or foud) of Orkney and Shetland. He became tacksman on 20 April 1541 for a period of three years.<sup>5</sup> This was extended to five years in August 1542.<sup>6</sup> The award was not hedged with limitations to the extent of those of his predecessors, but this was perhaps because the crown had already reiterated its

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1. CSP Scot, ix, 485-6.

2. Ibid., x, 590.

3. Sinclair of Mey Muniments, SRO ref. GD.96/78.

4. Clouston, History of Orkney, 323.

5. RSS, ii, no. 3989.

6. Ibid., 4856.

policy regarding alienation in an act of 1540, when power of consent to alienation was vested in parliament.<sup>1</sup> At the same time, his appointment was balanced by that of a strong and able bishop in the person of Robert Reid, abbot of Kinloss.<sup>2</sup>

With the king's death on 15 December 1542, Oliver Sinclair's brief period of power came to an end. He had rendered two accounts to exchequer<sup>3</sup> and appointed two deputies, Edward Sinclair of Strome and James Redpath,<sup>4</sup> but would seem to have remained an absentee - indeed his only known visit to the Northern Isles at this period was the one he paid in company with the king to Orkney in 1540, before he became tacksman.<sup>5</sup> His tack (though not apparently his sheriffship) became part of the queen's terce, as had been agreed in her marriage settlement. Then, on 1 August 1543, the tack was granted to the earl of Huntly.<sup>6</sup>

There now began a period of some financial difficulty for Oliver Sinclair. He was left with considerable debts in respect of his dealings in Orkney and Shetland. Judging by the arrangements he had to make to meet these,<sup>7</sup> his liabilities would seem to have been of the order of 3000 merks, though the only extant details of his payments to the crown after the king's death - in an exchequer

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1. RMS, iii, no. 2233.

2. RSS, ii, no. 3974.

3. ER, xvii, 523; xviii, 3.

4. Clouston, History of Orkney, 293.

5. Bingham, James V, King of Scots, 161, 163.

6. Correspondence of Mary of Lorraine, 46n.

7. Acta Dominorum Concilii et Sessionis, xxi, 159.



account rendered on 6 August 1543 five days after the grant to Huntly - appear to show only £1000 owing.<sup>1</sup> There is no doubt, however, that he was accused by the queen dowager of owing 'greit soumes'<sup>2</sup> which included arrears from fruits of crops 1542 and 1543.<sup>3</sup> A month after the beginning of Huntly's tack, Mary of Guise ordered the staying of Sinclair's ship and its cargo. In her letter to Mary on 23 November 1543,<sup>4</sup> Sinclair's wife denied that she and her husband had taken anything from Orkney and Shetland, and stated that they did not intend to take anything after May 1 following. In any case, she submitted, the grant to Huntly meant that they should pay nothing and she asked for the ratification of the second of her husband's tacks. Her plea fell on deaf ears.

At the same time, Oliver Sinclair fell into dispute with his cousin, Lord Sinclair. On 14 May 1544, he spoiled the ship John Williamson of Kinghorn, on its way from Orkney to Leith with a miscellaneous cargo belonging to Lord Sinclair.<sup>5</sup> A letter from the latter to the queen dowager, written twelve days later, suggested that he had himself previously intromitted with 'ane craar' carrying Oliver Sinclair's goods from Orkney.<sup>6</sup> Seemingly by way of justification, he stated that Oliver Sinclair had wrongously intromitted with his lands in Shetland, and had refused to enter him into these despite a precept from the late king to do so. This did Lord Sinclair such

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1. ER, xviii, 3.

2. Correspondence of Mary of Lorraine, 46.

3. REO, 236, no. cxxvi.

4. Correspondence of Mary of Lorraine, 46.

5. RMS, iii, no. 3275.

6. Correspondence of Mary of Lorraine, 85-6.



hurt that he 'may nocht do your graice service nor yit defend my ane place quhilk wilbe the distructione of all Fyfe it beand wone'.

On 21 May 1544, Oliver Sinclair and Huntly came to an agreement concerning the arrears of the fruits owing both to the crown and to Sinclair himself.<sup>1</sup> By this Sinclair received permission to intermit with the fruits of the earldom lands in exchange for payment of an outstanding sum of 3400 merks. Sinclair of Strome and Redpath were appointed factors to uplift Sinclair's dues in the islands.<sup>2</sup> Partial settlement with Lord Sinclair followed on 26 July 1546, when Oliver Sinclair was granted part of the lands of Bordland in Fife by his relative on payment of the price of the John Williamson's cargo. He also received by apprising from Lord Sinclair the lands of Crofts of Dysart and others,<sup>3</sup> which he used in payment of his debts to Huntly. In an agreement of 25 August 1546, in exchange for this payment he received confirmation of his permission to uplift fruits from Orkney and Shetland together with the promise of assistance from Huntly to do so. Two days later he granted a bond to Lord Borthwick to raise further money for his liabilities.<sup>4</sup> It was presumably failure to meet payments on this that was to lead to the temporary apprising of Whitekirk six years later.<sup>5</sup> Certainly Edward Sinclair and James Redpath were still acting in Oliver Sinclair's name 'to the resavein and uptaking of dettis awand to hym wythin the boundis

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1. Acta Dominorum Concilii et Sessionis, xxi, 160.

2. REO, 236, no. cxxvi.

3. Acta Dominorum Concilii et Sessionis, xxi, 160.

4. Ibid., xxi, 159.

5. Laing Chrs., 157-8, no. 600.

of Orknaye<sup>1</sup> as late as December 1549.<sup>1</sup>

The earl of Huntly appears to have taken more interest in the Northern Isles than the members of the Scottish aristocracy who had preceded him. In Katherine Bellenden's letter to Mary of Guise he was stated to be intending to go there to take up fruits. There is no evidence of his going north in person, but he certainly appointed a constable, one John Jameson,<sup>2</sup> and he was interested and influential enough to guarantee Jameson's assistance and that of the foud of Shetland to Sinclair. However no accounts in his name were rendered in exchequer and his tack seems to have been a dead letter from 1546 until early 1555 when he and his wife, in royal disfavour, renounced all interest in the islands.<sup>3</sup> In the end, therefore, more important affairs supervened, as they had done with his predecessors, to divert what interest he may have had in the north to other priorities.

Already in 1543, three years before Huntly's agreement with Oliver Sinclair, Mary of Guise had taken some direct interest in Orkney and Shetland. In that year, she gave possession of Kirkwall Castle to a M. Bonot, one of her French followers.<sup>4</sup> He remained governor, sheriff and commissioner for at least fifteen years, as he held a court there as late as 22 June 1558.<sup>5</sup> Little is known about him or his administration. He probably visited France in 1554,<sup>6</sup> and the following

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1. REO, 236, no. cxxvi.

2. Acta Dominorum Concilii et Sessionis, xxi, 160.

3. ADCP, 638.

4. REO, 109n.

5. REO, 109, no. xlix.

6. Balcarres Papers, ii, 250.



year he made unspecified allegations against the comptroller, Villemore, which set him at variance with another of the Queen Dowager's officers in Orkney, the chamberlain William Moodie.<sup>1</sup>

Between the mid-1540s and 1558 the known facts regarding crown dealings are miscellaneous and produce a less coherent picture than formerly. On 14 April 1548, Mary of Guise granted a pension of £100 per annum from the rents and duties of the earldom lands to Robert Carnegie of Kinnaird in a bond of manrent.<sup>2</sup> In 1551 Governor Arran sent two ships to the islands to take and slay 'lymmaris', seemingly invaders from Lewis.<sup>3</sup> In the same year a herald was sent to Denmark to inquire about the Danish king's intentions concerning Orkney and Shetland 'with gud writyngis of contentation of all besines without ony promes',<sup>4</sup> evidence of the renewed activity between Scotland and Denmark on the question since 1549 and the Scots' attitude to it.

In 1554 there was a report in Drussels of rebellion in Scotland by the men of Orkney and the Hebrides, in answer to which the Queen Dowager and her council had sent 'a strong force of troops to punish the islanders'.<sup>5</sup> There is no supporting contemporary evidence for this, and it may well be that this is merely a garbled report of the expedition of three years earlier.

The slaying of limmers in 1551 did not free the islands from a

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1. Correspondence of Mary of Lorraine, 399.
  2. State Papers, SRO ref. SP.13/59.
  3. Correspondence of Mary of Lorraine, 353.
  4. Ibid.
  5. CSP Spanish, xiii, 19.

continual molestation which took place throughout the century. In 1555 a group of 200 Englishmen 'utterlie hereit' the North Isles of Shetland and threatened to do the same in Orkney.<sup>1</sup> This assault may have been prompted by the state of relations between Scotland and England but such a pretext was by no means necessary. In 1535 a complaint had been made by James V that English fishermen bound for Iceland had been in the habit of spoiling the North Isles of Orkney and taking inhabitants for 'sclavis, servandis and presonaris'.<sup>2</sup> Forty years later Martin Frobisher was to see evidence of the continued apprehension of the common people of Orkney when he landed in Kirkwall Bay. The populace fled at the sight of him and his men and it was with difficulty that they persuaded the Orcadians that their intentions were innocent.<sup>3</sup> In the period under consideration, aggression against the islesmen culminated in the unsung victory (surely closer to Storer Clouston's romantic picture of Summerdale than that battle itself) of 1558 (probably), when an anonymous group of Orkney men attacked a force of Englishmen who had landed eight or ten pieces of heavy artillery and, according to one report, killed more than 300, including an admiral, and caused 200 more to be drowned as they sought to regain their ships.<sup>4</sup>

If, from the point of view of administration, the earldom lands were relatively quiet, there was nonetheless considerable activity in the bishopric. In 1545 Robert Reid drew up a new constitution for his

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1. Correspondence of Mary of Lorraine, 399.

2. James V Letters, 297.

3. Frobisher's Voyages, 53.

4. CSP Spanish, xiii, 320.

cathedral, providing for the endowment of seven dignitaries, seven canons, thirteen chaplains and six choristers, with public lectures by the chancellor on the canon law, and one of the chaplains to act as master of the grammar school.<sup>1</sup> However, although Reid was still in Orkney in 1550 when he granted a tack of the islands of Burray, Flotta and others to Sir James Sinclair's widow, he appears thereafter to have remained an absentee. The chief officer in his absence was his constable, Thomas Tulloch of Fluris, who seems to have had a stormy passage as governor of the bishopric lands. On 19 June 1551, an instrument on his behalf desired all those having complaints against him to be called before John Bruce and William Moodie, who held the queen's commission to examine these. He was content to make 'double amends' if he were found guilty.<sup>2</sup> Exactly what he was alleged to have done is not known, but perhaps it is significant that five years later, on 25 March 1556, his activities were said to be the occasion of 'murmurs and quarrels' among tenants of the regality [of the bishopric] of Orkney, and he was ordered to produce for examination the weights with which he had received and delivered victual for the previous seven or eight years.<sup>3</sup> He took instrument to this effect before a court held by Bonot. On 22 June 1557 he was absolved by decret of a similar court, also held by Bonot,<sup>4</sup> but whether or not he was guilty, the charge implied is worth bearing in mind when examining the later history of the islands.

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1. REO, 363, no. ccxxxvi.

2. Tulloch of Tannachie Muniments (Calendar description only), SRO ref. GD.107.

3. Ibid.

4. Ibid.



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ON 15 September 1558, Robert Reid died, in mysterious circumstances, at Dieppe. Adam Bothwell was appointed bishop on 2 August the following year,<sup>1</sup> the bulls of his appointment being brought from Rome by his brother-in-law, Gilbert Balfour.<sup>2</sup> He was consecrated shortly afterwards.<sup>3</sup> During the vacancy, a gift of the temporalities of the bishopric had gone to the bishop's cousin Sir John Bellenden of Auchnoull, the justice-clerk.<sup>4</sup>

The new bishop was not wholly a stranger to Orkney. He had been there in 1555, on an unknown errand, with William Moodie.<sup>5</sup> He was also the stepson of Oliver Sinclair. In looking at Bothwell's background, Professor Donaldson says of Sinclair, 'he is the only figure in the whole pedigree [of Adam Bothwell] who represents a link with the north, and one can only speculate whether this connection had something to do with Adam Bothwell's appointment to the bishopric of Orkney'.<sup>6</sup> However Bellenden, Bothwell, Balfour and Sinclair are so closely connected - both by family relationships and by the lands they held in the south - that it seems a very strong possibility that Bothwell secured his appointment through the influence of his relatives. Adam Bothwell's mother was the wife of Oliver Sinclair who held Whitekirk of Holyrood, the sister of

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1. Dowden, Bishops of Scotland, 267.

2. RMS, iv, no. 1668.

3. Donaldson, 'Bishop Adam Bothwell and the Reformation in Orkney', 87.

4. RSS, v, no. 589.

5. TA, x, 284.

6. Donaldson, op. cit., 86.

Bellenden of Auchnoull who was shortly to hold Broughton of Holyrood,<sup>1</sup> and the mother-in-law of Gilbert Balfour. Bellenden and Balfour now found a new interest in Orkney and Shetland and Sinclair a renewed one, and the story of the early years of Adam Bothwell's episcopate is one which furnishes more and more evidence linking his tenure of office with his family in the south.

He is stated to have arrived in Orkney in the spring of 1560.<sup>2</sup> Shortly afterwards, in May, he and his followers, including Gilbert Balfour and his brother John, were alleged by Thomas Tulloch to have taken away certain goods from the latter's property in Kirkwall.<sup>3</sup> This was apparently followed by other, unnamed, 'cruel actions', and provoked litigation beginning in June 1560 and dragging on for the next five years.<sup>4</sup>

On 30 June 1560, he issued a number of charters. Gilbert Balfour received enormous estates in Westray,<sup>5</sup> and also land in Birsay. John Cullen received land in Papdale,<sup>6</sup> William Moodie, a Caithness man, received Orkney bishopric land in his native county,<sup>7</sup> and John Brown was given land in Weyland, St Ola and elsewhere.<sup>8</sup> Of the two individuals not previously mentioned, Cullen and Brown, Cullen had

1. RMS, iv, no. 1385.

2. Donaldson, 'Bishop Adam Bothwell and the Reformation in Orkney', 89.

3. Tulloch of Tannachie Muniments, 6 June 1559 (lege 1560), SRO ref. GD.107.

4. Orkney and Shetland Papers, SRO ref. RH.9/15/75.

5. RMS, iv, no. 1668.

6. Abbreviates of Charters of Kirklands, SRO ref. E.14, i, 205.

7. Ibid., 107.

8. Ibid., 70.

been in Orkney as early as 1550, Brown had been a Kirkwall burghess as early as 1548.<sup>1</sup> Brown's background is unknown, though his surname suggests he may have come from the south. Cullen undoubtedly did; he was a Leith merchant who retained interests there.<sup>2</sup> His wife, Margaret Balfour, may have been a relative of Gilbert, but beyond this there does not seem to be any evidence to connect them with any of the major parties interested in the Northern Isles or to suggest any special reason for Adam Bothwell's generosity towards them. Perhaps more interesting was Oliver Sinclair's personal presence in Orkney, one of only two recorded instances; on 20 September, he witnessed a charter by his stepson to Duncan Scollay and his wife of the lands of Work in St Ola, accompanied by Gilbert, John and George Balfour, and William Lauder. In the document he was styled sheriff of Orkney, presumably on the authority of his grant of nearly twenty years before.<sup>3</sup>

The arrival of the bishop in Orkney provoked a quick reaction elsewhere in the north. On 17 July 1560, a contract was concluded between the earl of Caithness and Magnus Halcro, chantor of Orkney, whereby the latter and thirteen named followers, in return for the earl's protection, agreed to assist the earl in certain ways and at certain times 'gif it sall happen the said noble lord to invade the cuntre of Orknay in prosecutione of his auld ennymeis'.<sup>4</sup> These 'ennymeis' would appear to be, as Storer Clouston suggests, representatives of the victors at Summerdale, the Warsetter Sinclairs -

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1. REO, 236, no. cxxv.

2. Edin. Tests. 16 April 1588, SRO ref. CC.8/8/18.

3. REO, 263, no. cxlviii.

4. Sinclair of Mey Muniments, SRO ref. GD.96/78.



William Sinclair of Warsetter, son of Magnus, Edward Sinclair of Strome and Margaret Sinclair, daughter and heiress of the late Sir James.<sup>1</sup>

It is significant then that the man Adam Bothwell appears to have turned to in the face of the threat from across the Firth was none of these Orkney Sinclairs. On 20 October 1560 he granted a charter of the lands of Eday to Oliver Sinclair, in which Oliver undertook to defend the bishop and his successors 'contrare quhatsumevir invadaris'.<sup>2</sup>

The Caithness menace was to prove short-lived, but in a very short time Bothwell had to face 'cummer' from a different quarter. He was at odds with his influential relative Bellenden of Auchmoull over pensions from the bishopric. On 5 December 1560 he wrote to his brother-in-law, Napier of Merchiston, sending commission to him and to his neighbour the laird of Roslin, Oliver Sinclair 'the schiref' and Alexander King, one of his own servitors, to 'mak appoyntemente anent sic differentis as ar happinnit betwix the justice-clerk and me'. He was in no doubt that his cousin was stirring up trouble for him.<sup>3</sup>

This trouble came to a head the following February when Bothwell reported to Napier that a faction in Orkney had attacked and occupied his house in Birsay, then lain in wait for him 'to haiff alder slaine me, or taiken me', as he returned from a visitation.<sup>4</sup> He told the story to Napier to enable him to 'mak answer' to representations which had been made to Lord James Stewart on the matter 'be aine of the

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1. Clouston, History of Orkney, 297.

2. Abbreviates of Charters of Kirklands, SRO ref. E.14, i, 22.

3. Napier, Napier of Merchiston, 66-7.

4. Ibid., 68.

Sinclairis'.

He was fairly certain that the culprits had been put up to it by the justice clerk. Their leaders were Henry and Robert Sinclair, with whom Bellenden of Auchnoull had 'maryet ... twa sisteris'.<sup>1</sup> The chief of 'that conjuratioune' was Henry Sinclair, who refused to give a straight answer to Bothwell regarding his conduct but instead submitted a list of petitions by way of reply. These the bishop showed to the sheriff (who was not named in his letter); he, though 'beand weill myndet to dress concord betwix us', would not use charges against Henry Sinclair, but instead asked the bishop to reply to the petitions. This Bothwell refused to do until the house at Birsay was returned to him. The petitions, 18-20 in number, concerned religion - specifically Bothwell's 'mutatioun' of it - and to them 'the said Henry fader gainstowd calland hyme and the laiff fullis that wist not quhatt thai did; and said he wald on na sort consent the mess wer donne'.

At first sight, all this seems rather confusing. Mark Napier was somewhat doubtful about the phrase 'the said Henry fader gainstowd' presumably because there does not appear to be a previous reference in the letter to a father for Henry Sinclair. However, the meaning of the letter becomes clear if Henry and Robert Sinclair are identified as Henry Sinclair of Strome (later of Brough) and Robert Sinclair of Ness, brothers, and the sheriff as Edward Sinclair of Strome, appointed

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1. See Appendix 6.

as sheriff depute by Oliver Sinclair in 1541 and who had held court as such as late as June 1559.<sup>1</sup> Thus the sheriff and 'the said Henry fader' referred to in the letter are the same individual.

Father and sons were therefore split on the religious question, but Edward Sinclair was obviously unwilling or unable to take a strong line in the dispute; indeed it could be for this reason that Bothwell had sought Oliver Sinclair's protection against the earl of Caithness, rather than that of the earl's old enemies themselves. Despite Edward Sinclair's support for the bishop, he did nothing to stop Bothwell's humiliation by the saying of mass and the marrying of 'certaine pairis in the auld maner' at the 'scheik' of the chamber where he was lying sick - this after the bishop had 'cloisset my kirk dorris and thoilet names to be said thairin sensynne'.<sup>2</sup>

If, as the bishop was convinced, Henry and Robert Sinclair were fomenting trouble in furtherance of a policy dictated by Bellenden, religion was not the only bone of contention.. The two Sinclairs had among their followers 'gret nomber off commonis quhem thai pat than in beleiff to leiff frelie, and to knaw na superiouris in na tymis cumyn'. It is difficult to know exactly what this means, but it sounds very like a promise of the extension of udal tenure to those who held their lands of the bishop.

The immediate outcome of these events is not disclosed, but the

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1. REO, 110, no. I.

2. Napier, Napier of Merchiston, 69.



Sinclair brothers must presumably have had to back down, since Bothwell's religious reforms were not noticeably interrupted<sup>1</sup> and by 25 March he had regained possession of his house, since he wrote to Napier, concerning his troubles, from Birsay on that date.

During the period of the bishop's first visit to Orkney, from the spring of 1560 to that of 1561, he also had trouble from another quarter, that of Gilbert Balfour. In December 1560 Bothwell was 'continualle at debait' with him because 'I wald not geiff hym all that I haid quhill I get mair'.<sup>2</sup> Balfour was involved in the taking of the house of Birsay, though in what way is uncertain. In 1564, when some measure of agreement was reached between the two men regarding their differences, Gilbert, David and John Balfour agreed to forget all rancour against Bothwell for anything 'that wes done to thame the tyme of the taking of the house of Brissay'.<sup>3</sup> In the same document, the possibility was mentioned of John Balfour having lost money as a result of this incident. If Gilbert and his brothers had been assisting the Sinclairs against the bishop, it seems unlikely that the bishop would not have mentioned this in his letters to Napier, so it may be that their complaints were concerned with lack of recompense for efforts on the bishop's behalf - say an unsuccessful defence of the Birsay house against the Sinclairs.

At the same time, further problems were caused by the antipathy

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1. Donaldson, 'Bishop Adam Bothwell and the Reformation in Orkney', 91 et seq.
  2. Napier, Napier of Merchiston, 65.
  3. Orkney and Shetland Papers, SRO ref. RH.9/15/75.

between the bishop and the former bishopric constable and chamberlain, Thomas Tulloch of Fluris. This involved counter-claims by both parties, the bishop seeking to recoup certain of Tulloch's intrusions with the bishopric revenues,<sup>1</sup> and Tulloch litigating on the grounds of 'actions of spuilzie and other cruel actions' against him and his brother by the bishop and the Balfours.<sup>2</sup> These lawsuits had begun about June 1560<sup>3</sup> and were not finally resolved until April 1565.<sup>4</sup> Bothwell saw Tulloch as another of Bellenden's agents in Orkney and as being in league with Henry Sinclair.<sup>5</sup>

On 20 April 1561, Bothwell was aboard ship in Kirkwall Roads awaiting fair wind and weather, leaving Orkney with the stated intention of going to France to lay his problems before the queen. James Alexander, a servitor, wrote to the laird of Merchiston, requesting that he approach Bellenden and the other lords of session to arbitrate on the 'mater' between Tulloch and Bothwell.<sup>6</sup> At the same time he noted that John Kincaid (of Warriston),<sup>7</sup> a relative and an intended protege of the bishop, had refused to remain in Orkney, as the bishop would not agree to put away Gilbert Balfour, who had intromitted with the fruits of the bishopric and could give no account. Kincaid appears to have wished to be made chamberlain and constable, and the bishop attempted to persuade him to remain in Orkney with the

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1. Acts and Decrees, xxxi, 67, 206, 384.
  2. Orkney and Shetland Papers, SRO ref. RH.9/15/75.
  3. Tulloch of Tannachie Muniments, SRO ref. GD.107.
  4. Acts and Decrees, xxxi, 384.
  5. Napier, Napier of Merchiston, 69.
  6. Ibid., 72.
  7. REO, 342-3, nos. ccxx-ccxxi.

promise that his desires would be fulfilled on the bishop's return from his intercession with the queen. Kincaid had been sent for by the bishop 'affectuoislie, bayth to half done hym prophit gyf he wald half remainyt in the cuntra, and to set fordwart his Lordschip's honor in his absence', and was disappointed when the bishop could not make good his promises. This inability may have been due to the strength of Gilbert Balfour's opposition, either for general reasons of self-interest, or for another, more particular reason. On 25 April 1561, shortly after the bishop's departure from Orkney, Francis Bothwell, treasurer of Orkney and a relative, wrote to his 'Darrest Antt', Jean Bothwell, lady Merchiston, chiding her for revealing 'sum thyngis anentis sum personis towart thair misbehavar towart my lord', which he had shown her, bidding her keep them secret. However, she had shown them to her sister Margaret, Gilbert Balfour's wife, who 'wrait agane heir despitfullie and causit cummaris to be amang us'.<sup>1</sup>

The treasurer went on to reiterate to Jean Bothwell the appeal for her husband to work on the bishop's behalf in the Tulloch affair. The appeals of James Alexander and Francis Bothwell for the use of Napier's influence on the justice clerk, when the bishop himself suspected Tulloch of acting on Bellenden's behalf, illustrate Adam Bothwell's unenviable position. To this has to be added the trouble with Balfour, and in addition the fact that he and his servants were unable to trust even members of his own family. Besides the inability of Jean Bothwell to keep secret information imparted to her in

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1. Napier, Napier of Merchiston, 75.



confidence and of her sister to refrain from using it 'despitefullie', it seems also to have been necessary to give the laird and lady of Merchiston differing accounts of what was happening in the north. Their estrangement had led the bishop to offer spiritual counsel to his sister in the past,<sup>1</sup> and even though her influence on her husband was being sought, some differences seemingly remained. When Alexander wrote to lady Merchiston regarding Kincaid and his reasons for leaving Orkney, another letter of the same date which he wrote to her husband stated that Kincaid had 'rafussyt to remane in this cuntra, for quhat caussys I kna nane'.<sup>2</sup> Why this last should have been necessary is not known, but it is hardly to be wondered at that bishop Bothwell, after an energetic year in Orkney, should make his way to France to see if his monarch could provide him with a solution to his problems.

He was absent for a year or so. During that period, the unrest in the islands continued. At some time in the autumn of 1561, Francis Bothwell, together with Edward Sinclair, brother of the laird of Roslin, Magnus Halcro of Brough and Nicol Chalmer with ten other unnamed companions led a band of men from the castle of Kirkwall in murderous pursuit of Henry Sinclair of Strome and William Moodie.<sup>3</sup> The exact motive behind this incident is obscure, but one may assume that Bothwell and his men were furthering the bishop's interests in his absence. Edward Sinclair, brother of the laird of Roslin whose support the bishop had sought in his letter to Napier of December 1560,

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1. Napier, Napier of Merchiston, 65-6.

2. Ibid., 73.

3. Pitcairn, Criminal Trials, i, 413.

was shortly to receive from Oliver Sinclair of Whitekirk the latter's lands in Eday.<sup>1</sup> Magnus Halcro, chanter of Orkney, had concluded the contract of July 1560 with the earl of Caithness, but had since changed his coat; his apparent opposition to the Warsetter Sinclairs and their connection with the bishop had ended with his marriage in about 1563 to Margaret Sinclair, daughter of the late Sir James Sinclair of Sanday.<sup>2</sup> Nicoll Chalmer, one of those mentioned in the 1560 contract, was one of his followers. Moodie and Sinclair survived this escapade, an appeal to the south for justice was referred back to the 'justiciars' of Orkney and nothing further was heard of the matter.<sup>3</sup>

Adam Bothwell reached the queen in France on 5 July, and returned with her to Scotland on 19 August. Nothing further is known about his dealings regarding Orkney until the following June, shortly before his return to the islands. Whatever Bellenden's previous claim to a pension from the Orkney bishopric, a position was now formalised whereby Bothwell agreed to pay him 400 merks annually from its fruits. The pension was to remain fixed at this sum so long as the bishopric was also burdened with the pensions of 600 merks to Lord John Stewart and of 300 merks to Archibald, Lord Ruthven. On the ending of the former pension, the bishop would be liable to pay a further £200 per annum.<sup>4</sup>

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1. Sinclair of Mey Muniments, SRO ref. GD.96/95.

2. Clouston, History of Orkney, 297.

3. Pitcairn, Criminal Trials, i, 413.

4. Donaldson, 'Bishop Adam Bothwell and the Reformation in Orkney', 91.

It is difficult to follow the attitudes to one another of this small group of Scots who, for various reasons, had concerned themselves with the Northern Isles. Adam Bothwell felt himself plagued by the intrigues of his 'small frend' the justice clerk<sup>1</sup> and his partakers, but at the same time he appears to have maintained fairly strong personal links with him. During the further troubles regarding Orkney and Shetland which were to beset him in the latter half of the 1560s, he wrote constantly to his relative; in 1564 Bellenden was his representative in negotiations with Gilbert Balfour. At the same time, despite the problems Bothwell had with Balfour, there is no evidence to suggest that the latter was acting on Bellenden's behalf; he seems rather to have been a supporter of the bishop. In March 1564 he was still involved with Bothwell in the litigation of Thomas Tulloch, and he was not regarded by Bothwell as being connected with the Sinclair brothers, whatever the nature of the dispute between them concerning the taking of the house of Birsay.

Bothwell and Balfour endeavoured to sort out their differences in March 1564 by means of negotiations on their behalf by Bellenden on the one part and James Balfour [of Pittendreich], parson of Flisk, on the other.<sup>2</sup> Bellenden appears to have been able to lay the ground for a final formalisation of his demands on the bishopric. Among the other provisions in the document which these two men produced - which concerned among other things Balfour's past intromissions with the bishopric revenues, and the Tulloch and Birsay disputes - Balfour was

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1. Napier, Napier of Merchiston, 69.

2. Orkney and Shetland Papers, SRO ref. RH.9/15/75.



ordained to hand over his lands in Birsay ad perpetuam remanentiam to the bishop or to some person whom he might please to nominate, in return for which the bishop would pay 1000 merks.

Balfour would appear to have granted these lands, not to Bothwell but to Bellenden himself. In a decret arbitral by Maitland of Lethington attempting to settle the disputes between Bothwell and Bellenden, dated 30 June 1564,<sup>1</sup> the justice clerk received the £200 which was his as a result of the death of Lord John Stewart the previous autumn, as provided by the contract of June 1562. At the same time, he was required to make security that he would set the Birsay lands to Bothwell for the bishop's lifetime. Considering that the Birsay land - Marwick, Birsay Besouth, Skalden Fea and others - was held of the bishopric, this was almost unusual arrangement. Bellenden was in fact leasing this land to his own superior.

Balfour's activities concerning Orkney and Shetland were wholly different. His outlook, both then and later was that of a soldier of fortune who was 'deeply and darkly involved in some of the most terrible happenings of his time'.<sup>2</sup> Since his first arrival in the islands he had been constructing in Westray the massive fortress of Noltland; quite possibly his seemingly continual and impatient demands on his brother-in-law stemmed from a chronic lack

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1. Acts and Decrees, xxxi, 64.

2. Simpson, 'Noltland Castle', Spalding Club (1952), 144.

of ready funds for the payment of the skilled men and considerable workforce required for constructing this enormous edifice. W. Douglas Simpson sees in the whole construction and equipment of Noltland its intended use as a hideout, its aspect being spare and military, with little domestic influence in its construction and nothing in its design to impinge on the field of fire of its 61 falcon-sized gunloops. Gilbert Balfour, it would seem, did not merely seek income from Orkney; he sought the sanctuary of strength in isolation. Simpson states that the more he looks at Noltland the more he is 'convinced that it was built for a man with a bad conscience - for a man with fear in his heart!'.<sup>1</sup>

Although Adam Bothwell was in the Northern Isles each summer until 1566,<sup>2</sup> his period of continuous administration was over. His problems concerning the bishopric, however, were not. For the islands, the mid-1560s were to be a time of anarchy and incident, at the end of which would appear a man who would cause more 'cummer' to bishop Bothwell, a man who would dominate the islands for thirty years - Robert Stewart.

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1. Simpson, 'Noltland Castle', 144.

2. Donaldson, 'Bishop Adam Bothwell and the Reformation in Orkney', 94.

### 3. ROBERT STEWART'S COMING TO ORKNEY AND SHETLAND

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QUEEN Mary returned to Scotland in 1561, arriving on the morning of 19 August so suddenly, and after such a speedy passage, that of all the nobles only Robert Stewart was at Leith to greet her. He was joined 'incontinent upon the news' by his brother James and the earls of Lennox and Arran.<sup>1</sup>

The three royal brothers - James, Robert and John - acted together in sympathetic treatment of their sister. James, taking a moderate line on religion despite his own reforming persuasion, put a stop to attacks on Mary's priests and placed them under the protection of John and Robert 'who then were both professors'.<sup>2</sup> Robert's attitude to this policy is to some extent uncertain, as when the queen had a sung mass some weeks later 'one of her priests was well beaten for his reward by a servant of Lord Robert's',<sup>3</sup> but since Lord James himself does not appear to have been altogether consistent in his own treatment of Mary's chaplains,<sup>4</sup> it is doubtful whether this represents any serious difference of opinion between Robert and his brothers.

Already to some degree in the shadow of the abler James, he now seems to have been acting under the influence of John as well. The latter had followed a roughly similar path to Robert, though less

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1. CSP Scot, i, 547.

2. Knox, History of the Reformation, ii, 8; Calderwood, History, ii, 143.

3. CSP Scot, i, 569.

4. Ibid., 555.



prominently, in the events of 1559-60. He was at first described as being of the queen's party in 1560<sup>1</sup> and received letters from her in January of that year,<sup>2</sup> but had dealings with Elizabeth and the English in January and July 1560,<sup>3</sup> and signed a ratification of the Treaty of Berwick in May.<sup>4</sup> Now, in the autumn of 1561, the two brothers continued to act together, Robert supporting John in an opposition to the younger Arran the origin of which is obscure, but which may well have been part of the reason for Robert's changes of heart during the Wars of the Congregation. The queen consulted John on how to obtain a guard of hired soldiers to ward off a rumoured attempt by the unbalanced Arran to abduct her. Calderwood states 'the ambitious man was resolved to obey her in all things, and was therefore the deerer to her'. He and Robert took turns to guard their sister at Holyrood Palace.<sup>5</sup> In the dispute between Arran and Bothwell over the affair of Alison Craik, Arran's reputed mistress, Lord John was a leading supporter of Bothwell, his prospective brother-in-law, and 'this affinitie drew Lord Robert also to his assistance'.<sup>6</sup>

John seems to have appealed to the queen more as an entertaining companion, familiar with French ways, than as a political adviser; although he was involved in some public business he was never at any time leader of a faction, or an initiator of policy. On 24 October

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1. Hamilton Papers, ii, 748-9.

2. TA, xi, 9.

3. CSP Scot, i, 297, 450.

4. Ibid., 403.

5. Calderwood, History, ii, 158.

6. Ibid., 164.

1561, Randolph reported to Cecil that Lord John had 'not least' favour with his 'leppyng and dansinge',<sup>1</sup> and on his death, only two years later, his sister was reported as saying that (notwithstanding his views on religion) 'God took always from her those persons in whom she had greatest pleasure'.<sup>2</sup>

Robert also sought the favour of the queen through his companionship. On 30 November 1561 the two brothers, with Rene d'Elboeuf a Guise uncle of the queen, rode at the ring for her entertainment. Two teams played; one led by Robert and dressed as women, the other, in which d'Elboeuf was prominent, dressed as 'strangers, in strange masking garments'. Robert's 'women' won.<sup>3</sup> About this time, too, Robert gave his sister the gift of a sorrel gelding, an animal which she in turn gave to her ill-fated admirer, Pierre de Chatelard.<sup>4</sup>

Both Robert and John were seeking wives at this time. In October, Randolph reported that Robert 'consumethe' with love for the sister of the earl of Cassillis, Jean Kennedy,<sup>5</sup> and in December both brothers were wed, within a fortnight of each other, John marrying a sister of the earl of Bothwell<sup>6</sup> ('a sufficient women for such a man', in Knox's

1. CSP Scot, i, 563.

2. Knox, History of the Reformation, ii, 86.

3. Keith, Affairs, ii, 119-20.

4. Fraser, Mary, Queen of Scots, 204.

5. CSP Scot, i, 563.

6. Keith, Affairs, ii, 132; according to Randolph (CSP Scot, i, 563), Bothwell granted Robert land in Teviotdale and the abbey of Melrose, but there is no corroboration of this - it would seem in any case more likely that John would be recipient of such a gift, perhaps in fulfilment of a marriage contract, though there appears to be no evidence for this either.

dry phrase).<sup>1</sup> Brother James, newly created earl of Moray, was himself married less than two months later, on February 8.<sup>2</sup>

Randolph's comment on Robert Stewart's attitude to his bride could be regarded as a first genuine reference to the man's character - a dissolute and sensual one. The first recorded of his illegitimate children, a girl, must have been conceived barely fifteen months after his nuptials.<sup>3</sup> By late 1566, he had three lawful and three illegitimate children,<sup>4</sup> (though it is quite possible that one or more of the latter was born before his marriage). In the end, he was to father at least ten natural children, and this may have been one of the factors which contributed to the marital disharmony of his later years.<sup>5</sup>

During the first half of 1562, Robert remained in attendance on the queen. He was with her in Linlithgow from 16 to 30 January, and probably in Edinburgh from then until the latter half of June when he was with her at Stirling, whence he departed for Sutherland. Throughout this period his personal attendant was George Winram, who received regular instalments from the treasury for expenses disbursed on Robert's behalf.<sup>6</sup> About a month before his departure for the north he suffered a brief illness; Winram's June expenses included

1. Knox, History of the Reformation, ii, 36.

2. Lee, James Stewart, earl of Moray, 97.

3. Inventaires de la Royne d'Escosse, Douairiere de France, 143-4.

4. RSS, v, no. 3101.

5. Barnbarroch Correspondence, 287-9.

6. TA, xi, 103, 110, 150-1; references to the queen's movements are taken from D. Hay Fleming, Mary Queen of Scots, 515-43.



51s to an apothecary for drugs and £23.17s to Alexander Thomson, an Edinburgh burgess who had accommodated Robert during his incapacity<sup>1</sup> and whom he was to visit with some frequency during the next year or so.

His waiting upon the queen would appear to have brought him considerable dividends in the form of gifts from the treasury. In February 1562 he received quantities of black velvet, satin and taffeta for the making of a cloak, coat and hose. One of these garments was apparently to be lined with blue, another with white fustian, the whole was to be embroidered with silver and accompanied by a velvet belt, bag and bonnet, gloves and a gilt whinger.<sup>2</sup> The following month he again received what was virtually the making of a complete outfit,<sup>3</sup> and in June £49.8s was given to Robert Macklurge for the making of several garments.<sup>4</sup>

At the same time, however, Robert Stewart did a fair amount of travel on his sister's business. After his trip to Sutherland - possibly on a justice-ayre, as was to happen in later years - he was sent in September 1562 to Edinburgh with 'aucht peice of gret arteilzerie', which he shipped at Leith and brought to Aberdeen, presumably in support of Mary in her struggle with Huntly and his son.<sup>5</sup> He was still in Aberdeen two months later and was thereafter in

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1. TA, xi, 173.

2. Ibid., 107-8.

3. Ibid., 152-3.

4. Ibid., 173.

5. Pitscottie, Historie, ii, 178n.; Lee, Moray, 105-8.

Dundee, Perth and Stirling.<sup>1</sup> Winram and a colleague, William Mackeson, were paid expenses for accompanying him on this trip, and provision was made for the welfare of Robert's horses during his absence.

Alexander Thomson was reimbursed with £64 for hospitality - 'disionis, dennaris, supparis and collationis' - for the time Robert was in Edinburgh.<sup>2</sup>

He was back at Holyroodhouse on 8 February when he granted a tack of the teindsheaves of Bolton kirk to William Maitland, younger of Lethington.<sup>3</sup> During the same month, Winram received the expenses of a trip from Edinburgh to St Andrews, where the queen was, presumably indicating that Robert was there also.<sup>4</sup> From then until June 1563, there is no direct evidence for Robert's movements, but it may well be that he was in Fife with Mary, who remained there, either at St Andrews or at Falkland, until early May. On May 6 he was included, with John and the younger Robert, in a charter to Moray of the lands of Cullend,<sup>5</sup> and with Moray and Robert in a charter to John of the barony of Engzie dated June 4,<sup>6</sup> and of lands in Banff, dated June 22.<sup>7</sup>

James and John had both received titles on marrying;<sup>8</sup> James was invested as earl of Moray for his political services, John, briefly,

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1. TA, xi, 250-1.

2. Ibid., 251.

3. Register House Charters, SRO ref. RH.6/1904.

4. TA, xi, 251.

5. RSS, v, nos. 1307-8.

6. Ibid., no. 1329.

7. RMS, iv, no. 1468.

8. Lee, James Stewart, earl of Moray, 97; Fraser, Lennox Book, i, 420.

towards the end of his short life, became Lord Darnley, presumably for the place he held in his sister's affections. Robert, despite his military exertions, was not ennobled, though he was granted a charter on 16 June 1563 of the lordship and barony of Strathdon, Inverurie and Fetterletter, the lands of Cabrach and the lordship lands and barony of Cluny and others, all in the sheriffdom of Aberdeen.<sup>1</sup>

On 25 July Robert was in Edinburgh.<sup>2</sup> Some months later, at a date unknown but possibly after 14 October,<sup>3</sup> he, John and James all set off for the north, where they held justice courts. They punished various thieves and murderers, and burned two witches in accordance with the new statute passed by parliament in June of that year,<sup>4</sup> one being 'so blinded by the devil that she affirmed "That no Judge had power over her"'.<sup>5</sup> Shortly afterwards, quite suddenly, Lord John died, at Inverness. The cause of his death is not stated in any of the sources, but given the evidence suggesting poor health in his earlier years, it may be that he was never strong, and the rigours of a northern journey proved too much.

Details of Robert's movements of the next few months are hazy though he was back in Edinburgh by February 8, when he granted a tack of the lands of Pilrig and the common muir of the Canongate to Patrick Moneyppenny.<sup>6</sup> Some days before, on January 22, he was mentioned in a report by the laird of Sheldon, newly home from negotiations in France, stating that among the 'fair words' given to the Scots by the French was

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1. RSS, v, no. 1356.

2. Register House Charters, SRO ref. RH.6/1919-20.

3. Keith, Affairs, 202.

4. APS, ii, 539.

5. Knox, History of the Reformation, ii, 86.

6. Balfour of Pilrig Muniments, SRO ref. GD.69/10.



the suggestion that the old band of Scots men-at-arms might be resurrected with Lord Robert as captain.<sup>1</sup> Nothing came of this. It shows that Robert was remembered in France, and was in some favour at the Scottish court; on the other hand, one is perhaps entitled to wonder whether he would have been suggested for this honour had brother John still been alive.

For the year from February 1564 to February 1565, evidence for his movements remains sketchy, though when it is possible to catch a glimpse of him, he is generally at or near the court. On April 8<sup>th</sup> he was in the Canongate.<sup>2</sup> On September 19 Kirkcaldy of Grange wrote from Edinburgh to Thomas Randolph, mentioning some 'foleis' of Robert and Captain Stewart (unfortunately left to the bearer to describe verbally).<sup>3</sup> Four days later, the earl of Lennox, father of Henry Stewart, Lord Darnley, returned from exile to Scotland and stayed at 'Lord Robert's of Holyroodhouse'.<sup>4</sup> In December, Robert was almost certainly in parliament in Edinburgh,<sup>5</sup> when he received a momentous grant of land.

The arrival of Lennox marked the beginning of significant developments in Robert Stewart's life. There is no evidence up to this point of any especial friendship between Robert and members of the Lennox family, but the earl's lodging with him was only the first evidence

1. CSP Scot, ii, 38.
2. Canongate Court Book, 151.
3. CSP Scot, ii, 75.
4. Ibid., 77.
5. APS, iii, 254-6.

of a seeming closeness. In February 1565, when Lennox's son, Lord Darnley, arrived in Scotland, he dined with Robert on one of the three days, February 13-15, that he spent in Edinburgh.<sup>1</sup> In the ensuing weeks a friendship grew up between the two; Robert, now in his early thirties, made a big impression on the 19-year-old Darnley. By March 20 Lennox had joined with a faction described by Randolph as composed of persons 'that are noted greatest enemies to all vertue'. Among this group, which included the earls of Atholl and Caithness and Lords Ruthven and Home, Robert Stewart was named. In the first explicit assessment of his character by an observer, Randolph described him as 'vain and nothing worth, a man full of all evil, the whole guider and ruler of my Lord Darnly'.<sup>2</sup>

The Lennox faction, with Darnley as a prospective husband for the queen, began steadily to acquire power at the expense of Moray, Arran, Argyll and their followers. Robert's support of the Lennox group marked a break with his brother. Darnley disliked Moray, and did not trouble to conceal the fact. On one occasion in March 1565, when Robert showed him a map of Scotland, indicating Moray's lands and their extent, Darnley remarked that 'it was too much'. Moray heard of this and the queen counselled Darnley to apologise.<sup>3</sup>

If Robert had joined the Lennoxes in the hope of advancement, reward was not long in coming. On April 4, the day after his brother had departed from the court 'in deep perplexity',<sup>4</sup> he received a second

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1. CSP Scot, ii, 125.

2. Keith, Affairs, ii, 271-2.

3. Ibid., 275.

4. Lee, James Stewart, earl of Moray, 135.

charter of the Strathdon lands, differing from the original in three notable respects; the remainder was changed in favour of heirs general, Moray, the dead John, and Robert secundus being removed, the lands were erected into a barony, and the whole was rendered blenche ferme.<sup>1</sup> On May 15, Darnley, laden with new honours, knighted him (among others that 'never showede anye greate token of their vassallage').<sup>2</sup> On that day and again on July 19, he was included as an extraordinary member of the privy council.<sup>3</sup> It seems likely that it was as a gesture of gratitude for this royal favour that two of the children born to Jean Kennedy and himself at this time were christened Henry and Mary.

Though it seems clear that these honours came to Robert as a result of his relationship with Darnley, the most important of the advancements to which he aspired had its origin in a grant which he had received before Darnley's arrival. The previous December, in parliament, Robert had been granted a heritable infeftment of 'all and haill the landis of Orkney and Zetland, with all and sindrie yles pertaining thairto', with sheriffdom and foudry, following the queen's declaring herself to be of perfect age and the express dissolution in plain parliament of the islands' annexation to the crown.<sup>4</sup> On May 11 Randolph reported 'tis spoken that some others [besides Darnley] shall be called to greater honour - as the Lord Robert earl of Arcknaye ...'<sup>5</sup>

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1. RSS, v, no. 2035.

2. Randolph to the earl of Leicester, Minutes of Mar Peerage, 87, quoted in Scots Peerage, v, 614.

3. RPC, i, 335, 341.

4. APS, iii, 254.

5. CSP Scot, ii, 157.



On May 26 the grant passed the privy seal<sup>1</sup> and precept was given to James Menteith of Saltcoats;<sup>2</sup> although this award for some reason never passed the Great Seal, and although it was ostensibly superseded in less than two years, it continued for sixteen years to form the basis of Robert's title to the Orkney and Shetland lands. Just over a week later, Randolph wrote to Cecil, 'My Lord Robert ... shall be (he says himself) earl of "Orknaye".<sup>3</sup>

These events constituted an altogether unheralded turn in Robert Stewart's career, and it is debatable who can have been the prime mover in bringing it about. The timing of the grant, and its strikingly generous nature, suggest that it may have been a gift for services, possibly in furthering the queen's plans for a marriage with Darnley, though the only evidence for this lies in his hospitality to Lennox and his son, and his subsequent friendship with the latter. Nonetheless, given that Moray and Maitland were at best unenthusiastic about a marriage between Mary and Henry Stewart and later strongly opposed it, preferring if possible to match her with Robert Dudley, earl of Leicester,<sup>4</sup> it may be that Mary had found Robert useful in furthering her own matrimonial ideas.

The question of why it was the Northern Isles that were chosen for Robert whether as gift or reward, is also a difficult one. Robert

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1. RSS, v, no. 2078.

2. Register House Charters, SRO ref. RH.6/1992.

3. CSP Scot, ii, 174.

4. Lee, James Stewart, earl of Moray, 111-134.

had connections as superior of Holyrood with several individuals with interests in the north, interests of which he must have been fully aware. The most important of these was John Bellenden of Auchnoull, the justice clerk, and there exists in the Roxburghe papers<sup>1</sup> a grant to him, couched in similar terms to Robert's, of the lands of Stronsay, Papa Stronsay, Linga Holm, Little Linga, Segie Holm and Hoy, incorporated as a 'free tenandry', with power of pit and gallows and others associated with a barony. It is undated and possibly no more than a draft, but its details suggest that it was in some way associated with Robert's grant.

The queen may, it is true, have decided on the donation of these lands for herself - Darnley's successor as her consort was to receive them temporarily as a dukedom - but there is at least some circumstantial evidence, besides Bellenden's grant, that Robert may have been particularly interested in a gift of the Orkney and Shetland lands, rather than merely the passive recipient of it. Firstly, the gift was an unusual one; it required dissolution of the annexation re-affirmed in 1540<sup>2</sup> and in fact ran counter to the terms of that of 1471, which had restricted alienation of the lands to legitimate children of the monarch.<sup>3</sup> Secondly, it was in opposition to previous royal policy; Robert's grant was not simply a tack granted as in the past in the hope of inducing a Scottish notable to lend his influence in providing stable government of the islands, it was a feu

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1. Roxburghe Muniments, NRA(S) survey no. 1100, bundle 1612.

2. RMS, iii, no. 2233.

3. APS, ii, 102.

which he was obviously convinced would be elevated into an earldom. Thirdly, unlike Strathdon, which there is no evidence he ever visited, his receipt of the feu of the Orkney and Shetland lands was followed very soon by signs of direct practical interest in the islands. On 1 August 1565 he acquired interest in a ship lying at Burntisland which had been taken in piracy by Thomas Moodie, brother of the chamberlain of Orkney.<sup>1</sup> On 7 December, at Edinburgh, he granted a charter to John Mowat of 5d land in Rendall.<sup>2</sup> During this same period, on 23 August, he granted Sir John Bellenden of Auchnoull the offices of justiciary and bailiary of Broughton;<sup>3</sup> this transaction was part of the basis upon which the Bellendens later acquired the lands of Broughton as a temporal lordship, and it is tempting therefore, particularly in view of later dealings between Robert and Bellenden, to see this as a reward by Robert to the justice clerk in anticipation of the transactions he was contemplating in the north. Finally, the unwonted alacrity and decisiveness with which he was ultimately to act in acquiring power in the islands suggests a carefully thought out policy and a familiarity with the order of things in the islands which he could well have derived from certain of his Holyrood vassals.

By the beginning of July 1565 he was according to Randolph 'nowe earle of Orknaye, mislyked of the queen but kept in by the Lord Darlye whom he serves with hys cape in hys hande'.<sup>4</sup> The English

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1. RPC, i, 347.

2. REO, 282, no. clxiv.

3. RMS, iv, no. 1985.

4. Keith, Affairs, ii, 301.



ambassador found Robert and Lord Fleming on such terms of intimacy with the king that he had to address the latter in their presence. This closeness to Darnley meant that Robert had all but achieved his apparent goal of becoming earl of Orkney by mid-1565, though his doubtless baleful influence on the weak and arrogant king had set him at odds with his sister. However, Robert's friendship with Darnley was in the end to prove a mixed blessing, and the acquisition of the earldom lands of the Northern Isles was not to prove as simple as he had hoped. After the charter of December, there was to be no further evidence of interest in Orkney and Shetland for nearly two years. In early January 1566, he set off for Sutherland on an unspecified errand, possibly another justice-ayre.<sup>1</sup> About the same time, on January 3, Gilbert Balfour of Westray was made sheriff of Orkney, an office which had been part of Robert's grant.<sup>2</sup> Another such office, the foudry of Shetland, went to William Murray of Tullibardine later the same year, on July 29.<sup>3</sup>

The explanation for this seeming change in the crown's intentions would appear to lie in the growing estrangement between the queen and her husband. This was greatly increased on March 9 by the murder of David Rizzio, the queen's secretary, in her presence. Robert, having returned from the 'Northland', was at his sister's table when the assassins burst in, but he took no part in what followed.

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1. TA, xi, 464.

2. RSS, v, no. 2529.

3. Ibid., 3014.

Indeed, despite his close relations with the king, he seems to have been wholly innocent of any connivance, direct or indirect, in the killing of the unfortunate Italian, though Patrick Bellenden, brother of the justice clerk and Robert's predecessor as sheriff of Orkney, was a supporter of Morton and Ruthven and pointed a cocked dag at the queen.<sup>1</sup> As events were to show, Robert never wholly abandoned Darnley, but he was never afterwards as involved as he had been in the king's doings. Indeed, even before his appearance at her table in March 1566 he may have tried to mend relations with his sister. As early as November 1565, she had made a gift to him of 4 ells of cloth of silver.<sup>2</sup> On 29 May he was issued with letters authorising him to command delivery of all persons detaining Rizzio's horse;<sup>3</sup> and when in May or June of the same year the queen made up her testamentary inventory (presumably in anticipation of the perils of child-bed), she bequeathed him 'une croix garnie de cinq tables de diamens et trois perles pendantes'.<sup>4</sup>

Such details as are available for Robert's movements in the months after the killing of Rizzio suggests that for the first time since the queen's return to Scotland he was absenting himself from the royal train - and on his own, not royal, business. Shortly before June 22, about the time of his sister's confinement at Edinburgh, his servants were involved in 'troubilland debaillt' at Falkirk with

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1. Letters of Mary, Queen of Scots, i, 23.
  2. Inventaires, 158.
  3. TA, xi, 507.
  4. Inventaires, 122.

the followers of William, Lord Livingston,<sup>1</sup> and both sides were ordered to keep the peace. The queen remained in Edinburgh till the end of July, but Robert was still outside the city, probably in the Falkirk area, on July 18 when a boy was sent out of the capital with privy council orders to both parties to compear personally.<sup>2</sup> This summons, following hard on Moray's restoration to favour, was obeyed by both sides on July 24,<sup>3</sup> Robert being accompanied by William Menteith of Randyfurd. Randyfurd and his men were ordained to ward themselves in Stirling and not to go east of the town; the Livingstons were to refrain from making trouble for the commendator or the inhabitants of Carsegrange, over which the dispute had presumably arisen. This arrangement was to last until the next royal visit to Stirling. These occurrences are interesting in illustrating the importance to Robert of the Menteith family, members of which were to serve him long after he had surrendered the lands of which theirs formed a part; indeed it is quite possible that the James, William and Patrick Menteiths named as Randyfurd's men are the same individuals who two years later were to be involved in strife in Orkney while in Robert's service.

After this, Robert's activities are again obscure until October 26, when he was at the Canongate Tolbooth with signet letters supporting him in a dispute with the inhabitants of the burgh regarding the election of bailies.<sup>4</sup> The queen had been at Jedburgh

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1. RPC, i, 469.

2. TA, xii, 13-14.

3. RPC, i, 473.

4. Prof. R.K. Hannay Papers, SRO ref. GD.214/192.



since early in the month and remained there, attacked by serious illness, until early in December. Robert was still away from the court in November, when letters to him left the border town by messenger.<sup>1</sup> At the time Robert was in the Canongate, Darnley, his erstwhile companion, was in the west of Scotland.<sup>2</sup>

On November 3 letters in Robert's favour passed the privy seal granting him the sum of £990 and quantities of wheat, bere, oats and meal from the thirds of Holyrood for the education of Henry, Jean and Mary, his lawful children, and his bastards Robert and James. The reason for the grant was said to be that Robert had 'sustenit sic sumptuous chargis and expensis besyde his labour, panis and travell in awaiting upoun thair hienes service in tymes bypast that he is nocht abill to contineu langar in his former tryne and honorable convoy'.<sup>3</sup> Robert's position had declined considerably since the days when he had considered himself earl of Orkney in all but name.

He was now comparatively isolated. The queen having become disgusted with the king, had no longer any need to tolerate his cronies, even when they were her own relatives. She had made Robert a gift, but although it was generous enough, it was intended specifically for his children, and gave humiliating reasons for its having to be made. Darnley was now heartily detested on all sides,<sup>4</sup>

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1. TA, xii, 32.

2. Fraser, Mary Queen of Scots, 281.

3. RSS, v, no. 3101.

4. Lee, James Stewart, Earl of Moray, 173.

and his 'whole guider and ruler' did not now find the political climate congenial. He had no dealings with his brother Moray who was now in firm control and did not shrink from imposing his will on his unliked brother.<sup>1</sup>

But worse was to come; on 10 February 1567, Darnley was murdered and Robert's fortunes reached their lowest ebb. His part in the murky doings before Kirk o' Field is obscure. So far as can be judged, he was identified with none of the known factions, his sole connection with events being through the remains of his relationship with the king and queen. A week before the murder, according to a number of the sources for this episode,<sup>2</sup> the queen had brought Robert and her husband together 'and there confronting them never left to provoke the one against the other until in her own presence from words she caused them offer strokes',<sup>3</sup> hoping by this means to rid herself of her troublesome and unpleasant husband without herself becoming involved in murder. Only Buchanan's History states that Robert had foreknowledge of the plot and warned the king that his life was in danger. Darnley told the queen of this. Confronted with it, Robert denied it hotly, and the queen for good measure called in Moray, hoping that he also would perish in the ensuing violence.

The agreement between the sources suggests that there is at least a grain of truth in the story of an argument between Robert and

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1. Lee, James Stewart, Earl of Moray, 177.

2. For an examination of these see Donaldson, The First Trial of Mary, Queen of Scots.

3. Book of Articles, printed in Donaldson, The First Trial of Mary Queen of Scots, 167.

Darnley, but even if it were a complete fabrication it would still have had to be a plausible one in the eyes of those who know the state of relationships between the queen and members of her circle. Mary is depicted as caring little who was killed in the struggle between Darnley and Robert and relationships between the two are shown to be frosty at best, though Buchanan's tale shows Robert still prepared to help the hapless Henry. It is not disclosed why Robert was prepared to risk telling the ailing king of the moves against him despite the fact - attested in this instance - that Darnley was notoriously unable to keep a secret; perhaps it was out of genuine regard. Whatever the facts, Robert's position in this difficult situation was far from happy.

In the ensuing months, two occurrences point to a collapse in Robert's fortunes. The first was a privy seal letter, dated April 1, to Robert, his uterine half-brother Laurence Bruce of Culmalindie, James Johnston of Elphinstone, a 'cousing' - presumably a connection of his mother's - and two 'friends and servandis', Robert Leslie of Ardersier and John Stewart of Eildon, permitting them to leave the country for France, Germany and elsewhere 'for doing of thair leifull erandis and besines' for five years.<sup>1</sup> The second was the grant on May 12 to the earl of Bothwell of the same lands and jurisdictions in the Northern Isles granted to Robert almost exactly two years before, now elevated into a dukedom.<sup>2</sup>

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1. RSS, v, no. 3387.

2. Ibid., 3530.



But events were moving too swiftly for Robert's position to remain the same for long. The licence to travel abroad was never acted upon; he was still in Scotland on April 26 when he granted a charter of part of the abbey kirkyard to John French.<sup>1</sup> By July he seems to have been out of Edinburgh, as David MacGill acted for him there on the 4th.<sup>2</sup> He had probably gone to Kerse, part of the Holyrood lands, as he granted a charter there on the 15th.<sup>3</sup> It was from there that many of his close henchmen came, and it is possible that he had gone west from Edinburgh with the intention of mustering them. At any rate, when he returned to the capital, on the evening of the same day on which he had granted the charter, he was 'well accompanied'. He repaired to a meeting of the Lords of Council at the lodging of the earl of Atholl.<sup>4</sup>

Throckmorton, on witnessing this, stated, 'Till now he has had no intelligence with them, but concurred with the Hamiltons'. This was the first suggestion for several months of Robert's political stance; it suggested that he had held to his allegiance to Mary throughout the aftermath of Darnley's murder but was now changing sides. Throckmorton was at that time acting under orders from Elizabeth to sound out Mary's supporters and he had concluded that not even the Hamiltons, hitherto the most prominent protagonists of Mary, were to be trusted in her cause.<sup>5</sup> Robert's meeting with the

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1. RMS, iv, no. 2557.

2. Register of Deeds (1st series), ix, 157.

3. T.L.F. Livingstone Papers (HMC), vii, 733.

4. CSP Scot, ii, 354.

5. Lee, James Stewart, Earl of Moray, 203.

Lords of Council was however an isolated incident in a career which was involved less and less in national affairs. Robert's presumed former support for his sister must have been lukewarm, as there is no evidence that he was with her at Carberry Hill or that he carried his support into any other form of direct action. On September 11 his brother gave him £100 from the treasury<sup>1</sup> which suggests that he may have rendered some kind of political service, but beyond this there is virtually no evidence that he now took any great part in politics.

On July 24 Mary abdicated. On August 10 Murray of Tullibardine and Kirkcaldy of Grange were sent in pursuit of the earl of Bothwell, who had left the country from Dunbar and made for his precarious duchy; they were accompanied by Adam Bothwell, bishop of Orkney.<sup>2</sup> On July 27 Robert was in the Canongate subscribing a pension to Balfour of Pittendreich of victual from the lands of Whitekirk.

Evidence for Robert's whereabouts again becomes sketchy, but such references as do exist show him to be outside Edinburgh. On August 14 Throckmorton dined with the Regent, who was accompanied by his wife and several other ladies including the unaccompanied Jean Kennedy.<sup>3</sup> On September 19 Robert was represented by David MacGill in Edinburgh in litigation with George Towers of Inverleith over the teindsheaves of Inverleith and Wardie.<sup>4</sup> Despite the obscurity of the

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1. TA, xii, 74.

2. Donaldson, 'Bishop Adam Bothwell and the Reformation in Orkney', 98.

3. CSP Scot, ii, 383.

4. RPC, i, 571.

evidence, however, there can be little doubt about what Robert was doing and planning, indeed the very lack of detailed knowledge of his movements suggests that he was being discreet about his preparations for what was to be the most vigorous and decisive action of his life. By 15 September the unsuccessful Kirkcaldy and his followers had returned empty-handed to Edinburgh.<sup>1</sup> A month and a half later, on November 1, Robert Stewart was in Kirkwall, acting as sheriff and styling himself feuar of the earldom of Orkney and lordship of Shetland.<sup>2</sup>

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WHEN Adam Bothwell left Orkney in 1561, his period of continuous residence there came to an end. For the next five years, his visits were regular enough, but were restricted to periods of a month or two in the summer and autumn.<sup>3</sup> His immediate purpose in leaving the islands was to visit the queen seeking her help in withstanding the importunities of Bellenden of Auchnoull, but there is evidence that he was glad to leave the islands. When in 1567 attention was drawn to the fact that he had not resided permanently in his diocese for the past six years, he ascribed this to the fact that he could not 'remain in Orkney all the year, by reason of the evil air and

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1. Moray to Throckmorton, CSP Scot, 11, 394.

2. Roxburghe Papers, see app. 7, no.1; REO, 123, no. lvi.

3. Donaldson, 'Bishop Adam Bothwell and the Reformation in Orkney', 94.



the weakness of his body'.<sup>1</sup> It is certainly true that shortly before his departure his servant James Alexander stated that his master had been 'mervallis seik and beleefit nocht to haif recuperit'.<sup>2</sup>

Bothwell returned to Scotland with the queen on 19 August 1561. About ten months later, whether under the queen's influence or not is unknown, an agreement was arranged regarding Bellenden's pensions from Orkney. It does not appear that Bothwell had any objection in principle to the granting to his uncle of income from the bishopric, only to the extent of his demands. On 26 October 1560 he had said to Napier of Merchiston that 'gif thais that hes done me plessuir will resaiff sic thankfulness of me as of thankfull mynd I am willing and glaid to do thaim, I sall be about to do thame mair plessuir, and acquyt the benifet done to me mair thankfuelle than ony in Scotland that ever ressavit sic guid deid',<sup>3</sup> and he had then gone on to speak of a pension of 1100 merks to be given out of 20 chalders of bere which at a time of dropping prices was less than he had to sustain himself. He was not however prepared to 'geif over that thing suld be my supple in time of neid, and that otheris weill deserving suld bruik efter me'.

The 1100 merk pension presumably formed the income which Bellenden already derived from the islands before the 1562 agreement. By

1. Donaldson, 'Bishop Adam Bothwell and the Reformation in Orkney', 99.

2. Napier, Napier of Merchiston, 73.

3. Ibid., 63.

this agreement, dated June 4,<sup>1</sup> the bishop seemingly managed to convince his uncle that it was not possible to demand more while further burdens lay on the bishopric in the form of pensions of 600 merks to Lord John Stewart and 300 merks to Archibald Ruthven, son of Lord Ruthven. Instead, the agreement stated that on the termination of either of these pensions at any time for any reason, half their value was to go to the justice clerk.

The bishop's decision to make only periodic visits to the islands would seem to have robbed Bellenden of a permanent channel of influence there. In addition the man whom the bishop regarded as Bellenden's chief mischief-maker in the north, Henry Sinclair of Strome (later of Brough), died some time before 4 July 1563.<sup>2</sup> It was perhaps for these reasons that in mid-1563 a new figure appeared on the scene in Orkney and Shetland - the justice clerk's brother, Patrick Bellenden. In Kirkwall on July 12 he was granted a charter by Magnus Halcro of Brough of 6d land in Stenness - Housequoy, Mekilquoy, Dowscarth and others.<sup>3</sup>

The charter included among its witnesses Gilbert Balfour and John Gifford, familiars of bishop Adam and witnesses to the series of charters granted by him in June 1560, and William Halcro of Aikers, one of the supporters of Magnus Halcro in his contract of the same year. Precept was given to Halcro of Aikers, and the

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1. Acts and Decrees, xxxi, 64.

2. RSS, v, no. 1419.

3. OSR, 135, no. 65.

instrument of sasine was witnessed by Magnus's brother Ninian Halcro and Nicol Chalmers, both henchmen of the Caithness contract, and by George and Thomas Bellenden. Also witnessing both charter and sasine was another notable newcomer to the northern scene - William Henderson, Dingwall Pursuivant. He would seem to have arrived with Bellenden, and was later stated to be Auchmoull's factor in Orkney<sup>1</sup> - a point which would seem to reinforce the view that Patrick Bellenden had come to Orkney at least partly on his brother's behalf. Henderson continued to carry out his functions as a royal messenger in the south for some time after his first appearance in Orkney,<sup>2</sup> but later he and his brother Cuthbert were to settle in the islands and receive charges and grants of land. William's tomb can be seen in the cathedral to this day;<sup>3</sup> his importance for the present discussion, however, lies more in his observation and reporting of events than in the significance of the part he played in them.

Patrick Bellenden's first visit to Orkney was probably a brief one. Little over a month after the first reference to him being there, on August 17, he was in Edinburgh, where he granted a bond to Gilbert Balfour for £1000.<sup>4</sup> George Bellenden would appear to have remained behind, as he is found acting as sheriff depute in December 1563.<sup>5</sup>

On 10 March 1564, Bellenden of Auchnoull and James Balfour [of

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1. Roxburghe Muniments, see app. 9, no. 6.
  2. TA, xi, 356.
  3. RCAHMS Inv., Orkney and Shetland, ii, 132.
  4. Reg. Deeds (1st Series) vi, 387.
  5. Craven Bequest, SRO ref. 9D.106/259.



Pittendreich], parson of Flisk, acting respectively for the bishop and Gilbert Balfour, came to an agreement regarding the differences between the latter two.<sup>1</sup> Certain obvious points of understanding were reached. Past 'rancor' and 'controversies' between Balfour and the bishop particularly concerning the taking of the bishop's house at Birsay, were to be forgotten. Gilbert was to pay all debts resting owing from his lands of Westray, Birsay and Marwick for the previous year, the bishop was to 'releif and skatheles keep' Gilbert at the hands of Thomas Tulloch whose litigation against both parties continued. Two points in this document, however, would appear to have been intended as preparation for a second, more important round of negotiations - this time between the bishop and the justiceclerk.

It was stated in the agreement that Gilbert Balfour had delivered to Bothwell the acquittances of Lord John's pension, for the payment of which he had been responsible. Balfour had also agreed, if required, to resign ad perpetuam remanentiam the lands of Birsay, Marwick and others in the northern part of the West Mainland of Orkney in the hands of the bishop or in favour of persons nominated by the bishop. On 30 June 1564 a decret arbitral by William Maitland, younger of Lethington, the queen's secretary,<sup>2</sup> showed the purposes for which these moves were intended.

The death of Lord John Stewart the previous autumn now meant that half his pension was to be paid to the justice clerk, from

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1. Orkney and Shetland Papers, SRO ref. RH.9/15/75.

2. Acts and Decrees, xxxi, 64; see also p. 69.

land in Rousay, Egilsay, Sanday, Deerness and Holm. Balfour had in the meantime, shortly after his agreement with Bothwell and obviously in accordance with an intention implicit in that agreement, resigned his Birsay and Marwick lands in the hands of the justice clerk.<sup>1</sup>

Bellenden in turn agreed to set these lands to the bishop, thus making the latter his tenant as well as his superior; the reason for this move is not stated, but it may have been intended to relieve Bellenden of all responsibility for the land save that of receiving its income.

Various other provisions were made. The agreement attempted to set limits to the justice clerk's intromissions with the bishopric. Beyond the arrangement regarding Lord John Stewart's pension, the reiteration of Bellenden's right to half Ruthven's pension should it end, and the settlement regarding the Birsay land, Bellenden was not to intromit further with the bishop's living, either by himself or through his brother Patrick and the payment of Bellenden's pension from various named lands was not to prejudice the bishop's jurisdiction in those lands.

The decret did not, however, govern the pension or pensions previously granted to Bellenden by the bishop. It was stated that account and reckoning was still to be made to Bellenden for the amount of his pension for the previous two years, and on the same

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1. Roxburghe Muniments. NRA(S) Survey no. 1100, bundle 1612.

day an agreement was drawn up between Bellenden and Bothwell to that effect (the chamberlain charged with the task was Thomas Tulloch).<sup>1</sup> Maitland of Lethington was to give further permission to Bellenden to pursue the bishop for payment, presumably of the same pension, as late as May 1566.<sup>2</sup>

The conclusion of the arbitration did not mark the full extent of Auchnoull's direct interest in the islands, however, as his draft charter of (presumably) December 1564 was to show. Although undated, it stated, like Robert Stewart's grant of the earldom lands, that it followed on the queen's declaring herself, in parliament, to be of perfect age. The terms of Robert's grant exist only in the grant to him of the earldom in 1581, and it is from this that the date of seventeen years before is known; neither his grant, nor that of Bellenden, is mentioned in the contemporary parliamentary record. So broadly similar are the two grants, however, that one is perhaps entitled to speculate as to the relationship between Robert and Bellenden of Auchnoull, particularly with regard to their intentions in the Northern Isles. Certainly if the surviving correspondence is any basis for judgment, Bellenden was deeply concerned with the Orkney and Shetland affairs of Robert Stewart, Adam Bothwell and his own brother Patrick.

Bothwell was in the north later in 1564 and made a grant of land

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1. Roxburghe Muniments, NRA(S) Survey no. 1100, bundle 1612.  
 2. Ibid.



in Caithness on October 18.<sup>1</sup> Patrick Bellenden arrived there again some time before January 15 when he presided as sheriff over the court in Kirkwall; James Redpath, the Sinclair appointee of a quarter-century before, was present as a depute.<sup>2</sup> This time Patrick's visit was longer. He was still in Orkney on 1 April 1565 when he granted his brother an obligation of the 'sums as it sall happin him to deburs or becum souertie for in my name',<sup>3</sup> in obtaining the feus of the bishop's lands of Evie and charter to that effect, and for purchasing and obtaining royal confirmation of the same. Eighteen days later, in Edinburgh, he received from the bishop a charter of the Evie lands as well as the island of Eynhallow, Berstan in St Ola, and further lands in Stenness - Tormiston, Culston and Hobbister.<sup>4</sup> This last was stated to be in fulfilment of the decret arbitral of June 1564, though the connection between the two documents seems obscure.

Patrick's growing power in the islands was brought to a halt less than a month later, however, by the grant of the sheriffship to Robert Stewart. It was an office Patrick was never afterwards to recover, even though he was to make his home in the Northern Isles, found a dynasty of lairds, and live on into the 17th century in continuing enmity to the Stewarts. Why he took such an interest in

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1. Sinclair of Mey Muniments, SRO ref. GD.96/165.

2. REO, 118, no. liii.

3. Roxburghe Muniments, NRA(S) survey no. 1100, bundle 1612.

4. RMS, iv, no. 1710.

Orkney is nowhere made explicit, but a degree of collusion between the Bellenden brothers John and Patrick seems very likely. Patrick may well have received land in Orkney for being a readier ally for his brother and his schemes than the bishop had been; certainly he married the widow of his brother's previous agent in the islands, Henry Sinclair.<sup>1</sup> At the same time, given Patrick's involvement in dark events at court, Gilbert Balfour's idea of the islands as a haven when affairs in the south became too hot may also have appealed to Patrick. He built no Noltland, but the mysterious 'Palace of Stenness' may have been his work; it is said to have been possible to see ships in Hoy Sound from its upper windows which seems unlikely given the local topography, but nonetheless suggests a large building.<sup>2</sup> The arrival of Robert Stewart, therefore, may well have upset elaborate plans on the part of Patrick Bellenden.

As far as it is possible to tell, Patrick remained south for the rest of the year 1565 and for several months of the year following. In February 1566 he was directly involved in the murder of Rizzio, and may well have fled from Edinburgh at the same time as his brother - on March 18 when Mary and her husband returned to the capital with an army.<sup>3</sup> On April 29 Lord Somerville undertook to ensure the withholding of Kirkwall Castle from Patrick Bellenden and others who had been declared rebel.<sup>4</sup>

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1. See Appendix 6.

2. Leith, 'The Bellendens and the Palace of Stenness', POAS, xiv, (1936-7), 41-4; see also Scott's Pirate.

3. Grant, 'Sir John Bellenden of Auchnoul', DNB, ii, 187.

4. RPC, i, 455.

Orkney was obviously one of the places likely to be favoured by the fleeing Patrick and indeed there is evidence that his influence there was far from spent. On May 28 there occurred the first of a series of piratical attacks on continental merchants in Shetland.<sup>1</sup> Piracy was of course endemic in the Northern Isles throughout the sixteenth century (and the examples to be cited are not the only ones to be found in the year 1566),<sup>2</sup> but a sequence of incidents complained of to the privy council in February of the following year is of particular interest. Herman Schroeder had been attacked at 'Quailsund',<sup>3</sup> on 28 May 1566 and his ship and booth spoiled; Segeband Detken<sup>4</sup> and John Beking received the same treatment three days later at Uyeasound and in succeeding weeks so too did Theodor Fogen, Johan Michel, Humierus Meager, Luderus Brummer and John Boling.

These attacks were said to be the responsibility of two separate bands of pirates. The first, consisting of James Edmiston, George Foggo, William Simpson, John Orr and George Black and led by John Blackadder had attacked Schroeder, Fogen and Michel. This group, as far as one can tell purely Scottish, was to figure in later events. The second, a mixture of Scots and Orcadians, involved William Gifford, Robert Chalmers and Andrew Mowat from South Ronaldsay and John Roen, Peter Loch and John Piper. When Meager remonstrated with this second group over their treatment of him, they stated that they were acting in the name and authority of Patrick Bellenden (Petri

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1. RPC, xiv, 267-8.

2. See REO, 375, no. ccxxxviii.

3. Almost certainly Whalsay Sound.

4. For further details of his career, see Donaldson, Shetland Life under Earl Patrick, 60.



Ballenthi).

Formal power on the spot, however, now rested with Gilbert Balfour who had been made sheriff at the beginning of 1566. His appointment was a symptom of a further shift in the state of affairs at court and its indirect effect on events in the north. The eclipse of Moray and the Darnley match brought Sir James Balfour of Pittendreich, Gilbert's brother, to prominence, and he and Rizzio became 'most potent in the Queen's counsels'.<sup>1</sup> It is hardly coincidence therefore, that in addition to receiving the sheriffship, Gilbert became master of the royal household on 1 October 1565.<sup>2</sup> On June 17 he also received from Alexander Dick, provost of Orkney, the lands of Thurrigar, Sorquoy and Darswick in South Ronaldsay together with the Pentland Skerries.<sup>3</sup> Balfour of Pittendreich's rise coincided with the return to Scotland from France of Bothwell in the autumn of 1565, and a year later he was active as a henchman of the earl.<sup>4</sup>

Given this last point, it is perhaps of significance that on 24 September 1566 William Blackadder, George Foggo and John Orr were granted commission to search for 'pirattis, sey thevis, rubbaris, pilliaris, rebellis and malefactouris upoun the seyis' who had been active in the Orkney area.<sup>5</sup> Blackadder was a servant of

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1. McNeill, 'Sir James Balfour of Pittendreich', JR, v (1960), 6.
  2. RSS, v, no. 2352.
  3. RMS, iv, no. 1759.
  4. McNeill, op. cit., 9.
  5. RSS, v, no. 3046.

Bothwell, having acted on the latter's behalf since at least June of the same year.<sup>1</sup> Ultimately he was to be accused of the king's murder and to suffer torture and death for it.<sup>2</sup> It is to be noted that Foggo and Orr were among those named as their attackers by the merchants in Shetland, and John Blackadder, the leader of that group and surely a relative of William, and James Edmiston, another of the band, also suffered for Bothwell. Considering that Foggo and Orr and probably the others as well, would appear to have been prominent members of the group of people they were supposed to be pursuing, it is hardly surprising that their commission was revoked a mere three weeks after its granting on the grounds that it was being abused; they were prohibited from molesting anyone, natives or strangers, 'undir the cullour and pretense of the lettres of marque or sey brevis of the kingis of Denmark, Sweden or ony uther foreign prince' under pain of being accounted pirates.<sup>3</sup>

Gilbert Balfour's attitude to events at court would seem to have followed his brother's fairly closely. Pittendreich's involvement in the murder of the king in February 1567 and in the events leading up to it is mysterious but seems fairly deep. Gilbert and his brother Robert were also implicated, and a placard pinned to the door of the Edinburgh Tolbooth inculpating Bothwell, Pittendreich and others, also stated 'and if this be not true, speir at Gilbert

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1. Gore Browne, Lord Bothwell, 255.

2. Ibid., 395.

3. RPC, i, 481.

Balfour'.<sup>1</sup> The Balfours were included in the queen's remission of Bothwell's crimes, but growing estrangement between Pittendreich and the earl plus the latter's steadily weakening position drove James Balfour into the arms of Bothwell's enemies; brother Gilbert went with him. By the time Bothwell left Scotland for the last time, Gilbert Balfour had retired to Orkney and he denied the duke the strongholds of Noltland and Kirkwall, and probably assisted the Grange expedition which arrived shortly after in pursuit.

The story of this expedition, in which Adam Bothwell figured prominently, has been retold on a number of occasions,<sup>2</sup> and there is little need to recount it here. Suffice it only to say that on the expedition's unsuccessful return to Leith, the scene was now set for a major change in the history of the Northern Isles.

### Three

ROBERT Stewart arrived in Orkney towards the end of October 1567. The exact circumstances of his journey and arrival are unknown, but it is of significance that in March the following year two Dutch merchants, John Egburg and Broune Claus, received from him £220 out of eight chalders 'Orkney weight' of bere for a 'hoy schip' called the Muryeone.<sup>3</sup> On November 16 William Henderson wrote to Bellenden

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1. Steuart, 'Gilbert Balfour of Westray', OLM, iv (1911), 148.
  2. See Donaldson, 'Bishop Adam Bothwell and the Reformation in Orkney', 98-9; Napier, Napier of Merchiston, 122.
  3. Reg. Deeds (1st series), ix, 367.



of Auchmoull, noting that Robert had given Gilbert and James Balfour 10 chalders victual each yearly from Whitekirk, 5 chalders had gone to Robert's half-brother, Laurence Bruce of Cultmalindie, a monk's pension of £40 to the parson of Penicuik and 'ane teynd besyd himself in Fyif' to the laird of Grange.<sup>1</sup> Gilbert Balfour had in addition been guaranteed Westray and Papa Westray 'als frely haldin of the said lord [Robert] as he halds Orknay of the Kyngs majestie', for which Gilbert had given over to Robert the sheriffship and keeping of the castle of Kirkwall. All this, which was to be 'endit and perfytit amangs thame and contractis maid to that effect' at Robert's first return to Edinburgh, would seem to suggest rewards for supporters - Cultmalindie and Penicuik - and placating of possible opponents - Grange and the Balfours, the latter of whom had already successfully denied the island strongpoints to Bothwell.

Robert was later stated to have granted pensions to David and James Bruce, presumably Cultmalindie connections. Since there is no mention of these before Robert's contract with the bishop in September 1568, one is tempted to assume that they were then fairly recent in origin, and that they were in fact granted for services in the Orkney adventure. Three other minor characters were mentioned as being 'in Orkney'. Robert Campbell, Thomas Cumming and Thomas Sanderson were all men of the Canongate whose names appeared in litigation in the latter year, their absence from the burgh being noted. It seems likely that they too may have played a small part in Robert's expedition.<sup>2</sup>

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1. Roxburghe Muniments, see app. 7, no. 1.

2. Canongate Court Book, 3, 231, 402.

If Henderson is to be believed, the winter of Robert's expedition was a grim one. It was so tempestuous that Auchnoull's factor had great difficulty in shipping out to his master and mistress victual which was 'verray scars in thir pairtis this yeir'.<sup>1</sup> In a later letter, he noted that 'god hes plagit this cuntrie with mony plagis this yeir god for his gudness to put remeid thairto'.<sup>2</sup> To the unrest in nature, Robert added a fresh turbulence in the North's unquiet politics.

In his letter of November, Henderson noted 'My lord hes bene deligent in the furthsetting of justice and hes put gud ordor and rewle in the cuntrie god gif him grace to continew'. On November 1 Robert had heard complaints by the 'puir commounis' who occupied the lands of the subdeanery of Orkney, about exactions by servants of the bishop and by Patrick Bellenden. On November 4 he issued a summons as sheriff at the instance of William Irving of Sabay against John Irving for non-removing.<sup>3</sup>

At the same time, however, Patrick Bellenden had departed from Orkney 'in ane strange maner', and Henderson perceived that Robert was 'myndit to do him na plësor'. Patrick's departure was apparently in protest against the same activities of Robert to which Henderson was alluding when he spoke of 'furthsetting of justice'. According to the factor's next extant letter to Bellenden, written on

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1. Roxburghe Muniments, see app. 7, no. 2.

2. Ibid., no. 3.

3. REO, 123, no. lvi.



4 February 1568,<sup>1</sup> Patrick's complaints were that Robert had 'evictit his frends and servands furth of thair rowmes and bailyeries' (Henderson's words) and his wife and children from their heritage and had put John Houston in charge of the lands of subdeanery which Patrick had apparently held before Robert's arrival.<sup>2</sup>

Henderson denied these charges, except in the case of William Halcro [of Aikers] who, he said, had lost his bailiary of Firth and Stenness on being convicted 'de crimine falso'. Whatever the truth or otherwise of these charges, this episode marked the beginning of lasting enmity between Patrick Bellenden and the new fiar.

On 10 November, Robert's brother, James, earl of Moray, now regent, stated that it had been reported to him that Robert intended to intromit with the lands of the lordship and earldom 'under pretense of ane pretendit heritabill infeftment', and ordained letters discharging tenants and occupiers from paying their dues until the question of title had been decided.<sup>3</sup> It was not disclosed who had informed the regent of Robert's activities, but there is no doubt that it was Patrick Bellenden who in retaliation was attacking Robert at his weakest point - the shakiness of his title to the lands he had acquired. In the correspondence from Robert and William Henderson to the justice clerk, it was stated that Robert was 'veray heychly offendit'<sup>4</sup> at Patrick, but prepared for his brother's sake to take him back as a vassal, and even to make him some assythement if

1. Roxburgh Muniments, see app. 7, no. 2.

2. He was actually granted a charter of these lands on 23 March 1568 and infeft by proxy 2 August the same year, REO, 288, no. clxx.

3. RPC, i, 589.

4. Roxburghe Muniments, see app. 7, no. 2.



he were prepared to admit that his declarations to the regent were based on 'sinister informatioun... utherwys your lordship wil nocht think that I can forgif sic offence as he hes done to me'.<sup>1</sup> Later letters were to contain less veiled threats.

On 20 December 1567 Parliament put on record its recognition of the separate laws of Orkney and Shetland.<sup>2</sup> Whether or not it was influenced by the new circumstances there is impossible to say, though if it was not the legislation seems oddly coincidental, to say the least. At about the same time Robert intercepted certain of Bothwell's fleeing followers,<sup>3</sup> including Edmund Blackadder and the laird of Beanston,<sup>4</sup> who had been named as murderers of the king 'with the hands' in company with Gilbert Balfour the previous year.<sup>5</sup> Robert threw them into chains and wrote to his brother regarding their disposal. Moray told him to liberate the ship and its crew, but to hang the less important of Bothwell's men and to send the leaders to Edinburgh. Six were in the end despatched south to face execution 'with greater solemnity'.<sup>6</sup> The use of his services by the regent, however, proved in no way to imply recognition of Robert's rule in Orkney and Shetland, nor even did an ordinance of the General Assembly of 25 February 1568 that a missive be sent to him charging him to assist Gilbert Foulis and James Annand, commissioners for the planting

1. Roxburghe Muniments, see app. 7, no.5.

2. APS, iii, 41.

3. Selections Illustrative of the History of Scotland, 306.

4. Roxburghe Muniments, see app. 7, no. 6.

5. CSP Scot, ii, 321.

6. Nau, The History of Mary Stewart, app. ii, 149-50.

of kirks, and to maintain the collector of thirds. Owing to Patrick Bellenden's activities, Robert stated that he dared not leave the islands 'wythout I war suir', or more specifically 'wythout that my lord regent send me his wrytting to assuir me to cum and gang unmolestit in my body or possessioun of this cuntrie'.<sup>1</sup>

During this first period of residence in the north, Robert appears to have travelled about his new domain, accompanied by Henderson, Foulsie and James Alexander, commissary of Orkney. On February 6 he was in Burness, Firth, where a disposition was granted in his presence to William Sclater of his heritage there.<sup>2</sup> A little over a fortnight later he was at St Peter's Kirk, South Ronaldsay,<sup>3</sup> and on 16 March he rode from Kirkwall, accompanied by Foulsie and Henderson, to the house of John Gifford at Gorn in Sandwick.<sup>4</sup>

The morning afterwards, one of his servants, called John Brown, newly arrived in Orkney, went to morning prayers in the cathedral. When the service was over, he made for undisclosed reasons to ascend a turnpyke stair to the 'pends' of the cathedral. The bishop's men, who were charged with guarding the cathedral, warned him to leave, or they would fire on him. He 'nocht knawand that it was kepit gaif thame sharp words agane and thocht that it was done in dispyt'. He went and told his colleagues in the castle. On hearing his story, a group of Robert's servants, later reported as consisting of James and

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1. Roxburghe Muniments, see app. 7, no. 6.

2. REO, 286, no. clxix.

3. Ibid., 116, no. 11.

4. Roxburghe Muniments, see app. 7, no. 3.

Patrick Menteith, George Dundas, Thomas Robeson, Walter Bruce, David Scollay and William Sclater,<sup>1</sup> 'in ane angir ruschit' from the castle, in company with Brown. The bishop's men, on seeing the latter coming towards them, shot him in the head and killed him. The feuar's men entered the cathedral and opened fire, killing in the process bishop's men Nicol Alexander and James Moir. The three other occupants of the building fled, leaving Robert's men in possession.

This at any rate was the story as related by Henderson when he and Robert wrote to Bellenden of Auchnoull three days later.<sup>2</sup> On hearing what had happened, about three o'clock on the afternoon of the 17th, Robert had apparently gone straight back to Kirkwall - a distance of about ten miles - arriving after dark. When he heard the details he 'wald nocht pass to the castell nor suffir his servands to speik wyth him', but went to the house of Hugh Gordon and remained there two days, during which he made an investigation of the incident and took counsel with the 'honest men of the cuntrie' as to what to do.

When he and Henderson wrote to the justice clerk on March 20, Robert left the actual description of events to Henderson, who also directed a letter to Patrick Bellenden. Both emphasised Robert's lack of responsibility for what had happened. Henderson's letter stated that the incident was 'chanceit by his (Robert's) expectatioun and sair aganis his will', Robert's that it had taken place in his absence

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1. RSS, vi, no. 306.

2. Roxburghe Muniments, see app. 7, nos. 3, 4.



'but ony motyve but of suddantye'. Both noted Robert's desire to make assythement and his particular regret at the death of Nicol Alexander, who was 'ferd' of kin. Robert desired Henderson to remind Auchnoull of 'the auld affectioun and kyndness that hes bene betuix him and you and siklyk betuix him and your broder Patrik and how that ather of your hairnis and his ar ferds of kyne quhilk suld move you to lufe and favor wyth us', and thus to use his good offices in the 'dress' of the matter.

At first sight these letters would seem to sound a sincere note of regret. The incident in the cathedral would hardly seem to serve Robert's desire for respectability as ruler of the islands, and it could also have jeopardised his further plans. The nature of these last is interesting; in Henderson's words Robert was 'bent to haif the superiorite of this cuntrie alswel of the bishopryc as the rest'. Robert himself stated that he intended to achieve this by 'the interchance and cois of his [the bishop's] leiffing and myne and of the lands of Birsay with your self and my lands of the Kers'. The bishop was very unwilling and Robert would deny the justice clerk nothing should he help him to effect this. Robert amplified these thoughts in a further letter of March 31,<sup>1</sup> stating 'I think my land of the Kers is als gud as the lands of Birsay and lykwys the superiorite and bailyerie of the Cannogait to be als gud as the bailyerie of the bischopis lands of Orknay and Zetland'. To satisfie Auchnoull

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1. Roxburghe Muniments, see app. 7, no.6,

he was prepared to 'augment' him with the bailiary of Kers (in addition to that of Broughton) 'swa that ye haffand thai twa bailyeries thair is na man in Lowthean may do bettir service to thair prynce'.

The killings in Kirkwall could hardly be expected to further these plans, particularly when there arose further cause for difference between Robert and the regent. In his letter of March 31, Robert stated that he had been 'falsely dissavit' by one Robert Boswell who had undertaken to transport the laird of Beanston, one of Bothwell's captured followers, to Leith 'and not to suffir him to eschew', but had instead taken his captive to the south coast of the Moray Firth and there put him and his followers ashore. Two of Robert's servants sent 'to convoy' had assisted in this and the regent was 'informit that thai ar eschewit be my moyane'. Boswell had also apparently taken Edmund Blackadder, for whom Gilbert Balfour was to answer, and would not hand him over.

However, the issues which take up the letters of both Robert and William Henderson - Robert's dispute with Patrick Bellenden, his desire for an excambion with the bishop, the fighting in the cathedral - were much more clearly linked than the early correspondence about them might suggest. Robert's chief complaint against Patrick was that as a result of the reports given to Moray by Patrick and his supporters, the regent was not prepared to accept Robert's feu mails for Orkney - in other words to recognise his title to the islands. Patrick and his friends (of whom Robert named the earl of Morton) had accused him of acting out of hatred for Auchnoull's brother. This Robert denied, stating that his actions had been purely in the interests of justice

'for I haif done na thing sen I came in Orknay be way of justice bot I will answer for it bayth befoir God and man'. Nevertheless, Robert's brother took Patrick's part, as in April 1568 Robert received letters on Patrick's behalf from the regent himself.<sup>1</sup>

The undoubted ill-feeling between Robert and Patrick was amplified by Robert's suspicion that Patrick was initiating direct action against him. Henderson's letter to Patrick immediately after the cathedral affair stated that Robert 'allegeis that ye are the caus thairof for he is suirly informit ye haif tane up ane cumpany of suddarts and purpois to cum in this cuntrie in his contrar'. Eleven days later Robert spoke to Auchnoull of a bond consisting of Patrick and some Orkneymen intending 'to persew me in my body and to rute me and all myne pepetually furth of this cuntrie gif it may ly in thair power'.<sup>2</sup> Finally, in a letter of June 1, Henderson named Patrick's followers as including Magnus and William Halcro, Gilbert Dalfour and William Moodie,<sup>3</sup> and Robert, in Scalloway for the first time, abandoned his disavowal of responsibility for the events in St Magnus. 'The hail motyve and occasioun of the takying of the kyrk' was stated to be this; Magnus Halcro had written to kinsman William telling of the bond involving Bellenden, Dalfour and Moodie, and that Patrick was 'feand' soldiers to come to Orkney, take the steeple and force Robert to leave the islands 'and this to haif bene the bischopis devys'. Robert 'takand ane feir theiroyf', caused his

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1. Roxburghe Muniments, see app. 7, no. 7.

2. Ibid., no. 6.

3. Ibid., no. 8.



servants to take the kirk, but 'it was by his wil or wyting that ony slawchter suld haif bene maid'.

It was already noticeable that, although ostensibly regretful at the deaths of Moir and Alexander, Robert had not however ordered his men to evacuate St Magnus; it must have been apparent for some time to Auchnoull and other observers that Robert was not as innocent as he claimed, and these new disclosures can only have furnished confirmation of this.

Robert's relationship with Bellenden of Auchnoull appears to have been fairly cordial. Bellenden was looking after Robert's son Henry<sup>1</sup> and Robert was constantly seeking Bellenden's assistance in his cause. The relationship echoes that which Robert was to have with Sir Patrick Waus, his son Patrick's guardian, twenty years later.<sup>2</sup> Robert suggested more than once that, since he could not come south Bellenden should come north, 'and gif ye wald cum be sey I suld send ane bark of my awin for you and my wyf togidder'. At the same time, presumably on account of the kindly obligation between Bellenden of Auchnoull and his brother, he constantly reassured the justice clerk of his willingness to receive Patrick, despite his continual complaints of ill-usage at the latter's hands.<sup>3</sup> He was reluctant even in the face of the regent's representations to make any contract with Patrick, but was prepared to make one with Auchnoull in

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1. Roxburghe Muniments, see app. 7, no. 11.

2. Barnbarroch Correspondence, 238-9.

3. Roxburghe Muniments, correspondence passim.

his brother's name.

But Robert was becoming somewhat desperate. Henderson's June letter contained what amounted virtually to threats. He stated that of those having direct interest in northern affairs, Robert feared only Auchnoul himself, since he did not believe that the bishop could do anything without the justice clerk's agreement 'and he wil lay the hail wycht on your Lordship gif ony inconvenientis cums to him thairthrow'. Robert, being unable to come south, was prepared to give authority to his Holyrood chamberlain, Adam Bell, to treat with the bishop and the justice clerk and to do anything reasonable asked of him, 'bot gif he persavis na thing bot regour usit aganis him he wil do all the displesor that he dow or may aganes the bischop and his partakars'. He was prepared to take stern action to preserve his right and title to Orkney 'and all that wil pretend to depryfe him thairof he wil nocht spair to tak thair lyffis... and he is ane man that wil get money assistars and it is dangerous deilying wyth him'. With regard to Robert and the bishop, Henderson said, 'I pray God that they war fairly sunderit furth of utheris way... for I haif na hop of thair aggreance sa lang as thair macheit in ane rowme togidder'. He repeated the view that had been noted in the March letters that since the lives of those killed could not be 'recuverit' it was better to make recompense than to go to the full extremity of the law. The best solution was for the bishop to take satisfaction for what had occurred and to allow 'the cois talkit of befoir to pas fordwart to perfectioun'.

What happened in the ensuing months is unclear. On June 11 the

bishop received a gift of Robert Stewart's escheat, Robert being at the horn for failure to present the cathedral killers before the privy council 'conforme to his generall band'.<sup>1</sup> Knowledge of this possibility might well have been the cause for the aggressive tone of Henderson's letter of June 1. Robert was now in what appeared to be a very difficult position, with possible forfeiture added to his troubles. But by July 8 he had come south; on that date he granted a decret in the Canongate against Thomas Maxwell, a canon of the abbey.<sup>2</sup> On August 18 he was in the procession which passed from the tolbooth to open parliament,<sup>3</sup> and on September 17 he and Bellenden of Auchnoull began the legal moves which were to add the bishopric lands to the earldom and lordship territories of which Robert was obviously now regarded as undisputed feuar.<sup>4</sup>

What had brought about this rapid turn of fortune for Robert is not known, but it is quite possible Robert's mixture of threats and promises to Bellenden had convinced the latter that it would be wise to make the representations to Moray for which Robert had been asking since November 1567. The rewards which Bellenden was to reap from Robert's plans make this suggestion seem all the more possible. Moreover, since May 8, when the deposed Mary had escaped from imprisonment in Lochleven the regent had had more than enough to concern him politically, and it would seem unlikely that he would concern himself unduly with the squabbles in the Northern Isles.

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1. RSS, vi, no. 306.  
 2. Canongate Court Book, 76.  
 3. Diurnal of Occurrents, 135.  
 4. OSR, 162, no. 68.



## FOUR

IN the months after the return of Grange and his men from the north, bishop Adam had not enjoyed a happy time. Principal among his troubles was the censure he incurred from the Assembly. He was accused of only visiting his kirks from Lammas to Hallowmas; of occupying his time as a Court of Session judge, 'the sheep wandering without a pastor'; of retaining Francis Bothwell, 'a papist', in his company, and of solemnising the marriage of Mary and Bothwell, this being 'altogither wicked'.<sup>1</sup> He was then deprived of his functions in the ministry,<sup>2</sup> though he was restored again in July 1568 on agreeing to make public confession of his fault on the last of these charges.<sup>3</sup>

Attention has been drawn to the difficulty of finding reasons for the formulation of these accusations; Professor Donaldson notes the possibility of 'a general atmosphere of suspicion' which singled out the bishop at a time when the king's party could not rely on its supporters, but adds 'equally, there may have been personal or family feuds at work which are concealed from us, and we may especially suspect the influence of Lord Robert Stewart...'<sup>4</sup> Certainly feuds existed, but unfortunately there appears to be little direct evidence of a link between Robert Stewart and the Assembly's accusations.

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1. BUK, i, 112.

2. Ibid., 114.

3. Ibid., 131.

4. Donaldson, 'Adam Bothwell and the Reformation in Orkney', 99.

For a time in the summer of 1568, the bishop appears to have had something of a respite from these and his other troubles. In June he received the gift of Robert's escheat; in July he received only the lightest sentence from the Assembly. But by the end of the latter month Robert was in the south (under what circumstances or with what guarantees we do not know) and within six weeks or so documents were drawn up which marked the complete collapse of Bothwell's opposition to Robert and the effective end of his links with the Northern Isles.

It is tempting to see in all this the influence of Bellenden of Auchnoull. Robert, being in Orkney (indeed politically marooned there) during the winter of 1567-8, was obviously not in a position to influence events directly and the tenor of his correspondence with the justice clerk suggests that the latter was his major representative at court. Besides his apparent guardianship of Robert's son (a function which, it has been suggested, he had also performed for Adam Bothwell in the latter's youth),<sup>1</sup> there have to be considered such factors as the long history of association between the Bellendens and the Holyrood lands, the involvement of Sir John Bellenden in the excambions of 1568, the conception of such large and vigorous ideas by a man later described as being 'of no great judgment...' and the considerable rewards Bellenden was to reap from these transactions. Faced with these points, one is perhaps entitled to wonder who thought up the idea of an excambion in the first place. The evidence that Bellenden was seeking land in Orkney to hold directly of the crown, and

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1. Spottiswoode, History, ii (Bk. iv notes), 73.



had had a document drawn up in similar circumstances, if on a smaller scale, to Robert's 'heritable infeftment' of 1564, suggests that Bellenden was involved to some extent in Robert's northern enterprises from the earliest, and may just possibly have given the driving force of ideas to Robert's activities. The justice clerk may not have been able to manipulate Robert in the way he did his own less powerful relatives, but he was perhaps able to use Robert's power, military abilities and ruthlessness to his own advantage.

The correspondence from Orkney, however, suggests on the face of it that the excambion was Robert's idea, whatever Bellenden's influence may have been on his going north in the first place. It is mentioned so soon after his first arrival in Orkney that one must assume it was part of his plan before he ever set off. The way in which Henderson described the plan to his master, the way in which Robert sought to interest Bellenden in it, enticing him by a promise of a second bailliary, suggest that it was not Bellenden's idea, or if it was, Bellenden's managing of Robert was subtle indeed. On the other hand, the evidence that Bellenden was broadly sympathetic to Robert's aims in going north makes it seem strange that the justice clerk was not made aware at the outset of a large-scale scheme of such profit to himself. The correspondence is of course, demonstrably misleading on certain points, and it is possible that the letters were framed in such a way as to suggest that the idea of an excambion came from Robert rather than from Bellenden. Certainly the somewhat sudden way in which Henderson brought the subject up in his letter of March 20, in writing to



an important man directly affected by the plan and likely to be of paramount importance in bringing about its success, suggests that Bellenden must have had at least some prior understanding of what Henderson was talking about. In the end it is not possible to come to any definite conclusion on the question of Bellenden's involvement during the early days of Robert's activities in the north; however there is no doubt about his major role in the consummation of Robert's schemes.

According to Adam Bothwell's later testimony, when Robert arrived in the south he lost little time in putting naked physical pressure on the bishop in order to force him into acquiescence, something he was seemingly able to do with impunity. Bothwell was to state that Robert 'violently intruded himself in his whole living, with bloodshed and hurt of his servants; and after he had craved Justice his and his servants lives were sought in the very eyes of Justice in Edinburgh'.<sup>1</sup> He was forced 'for meer necessity' to take the abbacy of Holyrood. This was on the advice of 'sundry Godly men; because then we could not have the occasiōe of a Generall Assembly'.

The bishop was now as isolated as Robert had seemed to be not long before. He could get no support from the kirk. There would seem to have been no curb whatever on Robert's activities; James Menteith, a likely leader of those seeking the lives of the bishop and his

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1. BUK, ii, 165-6.

supporters, was respited on September 26 for his part in the cathedral killings.<sup>1</sup> Finally, the contracts drawn up in that month make it clear that the bishop's relative was by then firmly in connivance with Robert.

On September 17 Robert and Sir John concluded a contract whereby the latter was to receive the Kerse barony lands of Abbotsgrange, Newbiggings, Ponderlands, Bowhouse, Cowperland, and Coalheuchburn in exchange for which the Birsay lands held by Bellenden were to pass to Jean Kennedy, Robert's wife, in liferent, and Mary, his daughter, in fee.<sup>2</sup> The charter to Mary Stewart was dated the following day; it contained a provision whereby she was bound to resign her lands to her father on payment of 400 gold crowns.<sup>3</sup>

On September 20 Robert granted some small pieces of land to Thomas Hunter, bailie of the Canongate,<sup>4</sup> and on the 25th he granted a tack of the mill and mill-lands of Gorgie to David McGill.<sup>5</sup> These were his last recorded actions as commendator of Holyrood. On the 27th, Adam Bothwell's final defeat was signalled when, at Fastcastle, en route for York with the regent for the queen's trial, he subscribed a contract with Robert regarding their lands and revenues<sup>6</sup> and granted a charter to Robert of his lands in Orkney,<sup>7</sup> and another,

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1. RSS, vi, no. 505.

2. OSR, 162, no. 68.

3. Ibid.

4. RMS, v, no. 378.

5. Laing Ch., 210, no. 834.

6. Acts and Decrees, xlii, 340.

7. RMS, v, no. 836.

probably at the same time, of the lands of Dunrossness.<sup>1</sup> At Ayton on the same day, a precept passed the privy seal for a letter to the bishop granting him the abbey of Holyrood, and appointing him commendator for life, reserving a £1000 pension from the abbey to Robert.<sup>2</sup>

Robert subscribed the contract and the Orkney charter at Edinburgh on September 30 and had them registered three days later, together with his contract with Bellenden of the 17th, and a further contract with the justice clerk regarding bishopric lands in Shetland;<sup>3</sup> there is in fact no evidence that Robert and the bishop met at all during the making of these deeds, from draft to subscription. The contract of 27/30 September was a massive document. The conditions which the bishop had to fulfil were: that he would infeft Robert in liferent, and Henry, his son, in fee, in all the bishopric lands not already feued to Sir John and Patrick Bellenden, Archibald Stewart (?), Gilbert Balfour, John Brown, John Cullen or the inhabitants of Kirkwall, and set a 19 year tack to Robert of teinds not already feued; he was to deliver to Robert the palace of the yards and the castle of Kirkwall, with their artillery, and find caution for the same; he would infeft Robert and Henry in the offices of bailliary and justiciary of Orkney, Shetland and Caithness, and of constable and keeper of the 'castell of the yairddis'... with the half of... the eschetts and casualities of the saids offices', and funds

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1. Acts and Decrees, xlii, 347.

2. RSS, vi, no. 506.

3. Acts and Decrees, xlii, 347.



for the exercise of these offices from the readiest mails of Birsay; and he was to discharge all bonds of manrent so that Robert 'may be served therein as accordis as fewar and ballie'. The contract would not appear strictly to have been one of excambion, since provision was made separately regarding Robert's grant of the lands of Holyrood, no explicit mention of this being made in the contract, but it included a number of obligations on Robert's part. He would grant the bishop a pension of £500; he would transfer to him the title of his wife and children to a tack of the teinds of Broughton, Inverleith and Wardie, and set a tack of them to the bishop, beginning with crop 1568; he would assign to the bishop an obligation made to him some years earlier by James Johnstone of Elphinstone for victual from the teinds of Elphinstone; he undertook not to intromit with his £1,000 pension of the abbey during the bishop's lifetime (this provision makes the excambion seem much more favourable to the bishop than has previously been thought; however Robert's cavalier attitude to his other obligations to the bishop, as will be seen, to some degree nullify this); he would pay any rests from the bishopric lands from the crop of 1567, and would ensure that William Lauder, Bothwell's chamberlain, came to Edinburgh within two months to make compt for his intromissions with crop 1567, and put Lauder's goods under arrestment until his debts had been paid; also, he would forget 'quhatsumevir anger, hatrent or displesor that he hes consevit or may consave aganis Patrik Ballenden of Stenhous, Maister Magnus Halcro of Burch, George Sutherland, Williame Gyffert, Maister Donald Bruce, Thomas Gun or ony utheris the said bishopis frends servands or partakaris'.

Several aspects of the terms of the contract suggest a bargain distinctly biased in Robert's favour. Robert was to decide on the remainder conditions, the feu duty and the augmentation, the latter two of which were to be or could be named in money, and 'other clauses and privileges' to be contained in the document setting to him the bishopric lands; the bishop was bound to renew infeftment as often as required. This last condition was also true of the tack of teinds, and Robert's reddendo for this was to be the wonted price or 'sic ressonable pryce of money as [he] sall think most expedient'. If pensions such as that of the parson of Penicuik or those of David and James Bruce were to become forfeit at any time, two thirds of their value was to go to Robert, one third to the bishop.

This was in addition to the fact that what the bishop was receiving in exchange was but a part of the lands of the abbey, Bothwell having virtually no control over the Kerse and Ogleface baronies which had been granted to Bellenden of Auchnoull, who was at the same time bailie of the regality of Broughton, whose barony lands constituted the major part of what the bishop actually received. Robert and the justice clerk had in addition concluded a further contract, registered, with the others, on October 3, whereby the bishop's relative had undertaken 'to caus the... byschop in ony tyme during his lyf tyme reforme renew mak sell subscribe and delyver [to Robert]... new infeftments of all and sindry quhatsumevir lands and... tacks of tends pertening to the said byschoprik of Orknay', notwithstanding Robert's acceptance of the charter of the lands of



Dunrossness - in other words to ensure that the bishop lived up to his undertakings under the main contract. This second contract between Robert and Bellenden included provision for any lands 'wrang calculit omittit or nocht nominat' in Robert's infeftment to be set to him by the bishop at a later date.<sup>1</sup>

Adam Bothwell remained in England throughout the York and Westminster conferences, returning to Scotland in February 1569. His troubles were still far from over, indeed he seems to have added to them by contracting debts in England,<sup>2</sup> but even though he had not, of course, transferred his spiritual obligations in the north to Robert, his pastoral work there was over for good. The benefice of which he now became administrator presented its own difficulties, and these make an interesting postscript to Robert's tenure of the commenda of Holyrood. In March 1570 it was stated that all the 27 appropriated churches of Holyrood, even important ones like Liberton or St Cuthbert's, were decayed to a greater or lesser extent. Some were so ruinous that 'none darre enter them for fear of falling', the abbey itself being especially bad in this regard due to weakness in the two main pillars; others were so far gone that they had been made into sheepfolds. Two of the kirks, Falkirk and Whitekirk, having a total of 600 souls or thereby had 'never heard the word twice preached, nor received the sacraments, since the Reformation'. The physical decay, according to the bishop, was due

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1. Acts and Decrees, xlii, 347.

2. Roxburghe Muniments, app. 7, no. 21.



to the fact that the churches had been pulled down by 'some greedy persons, at the first beginning of the Reformation, which hath never been helped or repaired sensyne'.<sup>1</sup>

Robert had left all this behind, however. The way was now open for him to consolidate his rule over the lands he had won. He was back in Kirkwall before 21 May 1569.<sup>2</sup> (quite probably well before). Some arrangements still remained to be made, but in general his achievement was virtually complete. There now began the first lengthy period of his rule in Orkney and Shetland.

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1. BUK, i, 162-3, 165-7.

2. Roxburghe Muniments, app. 6, no. 9.

#### 4. ROBERT STEWART IN ORKNEY AND SHETLAND: FIRST PHASE, 1569-76

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ROBERT Stewart's first major sojourn in the north lasted something over six years, from the spring of 1569<sup>1</sup> till about August 1575 when he was warded by the Regent Morton in Edinburgh Castle.<sup>2</sup> During the first year of this period, correspondence and argument continued on matters relating to the excambions. In fact Robert's relationship with the ousted bishop was never finally stabilised - he was even at the horn at Bothwell's instance for non-fulfilment of contract terms at the time of his death more than 20 years later<sup>3</sup> - but during 1569-70 there were still certain basic issues awaiting resolution.

Important among these was the question of Bothwell's attempt to secure from William Lauder, his chamberlain, the arrears of the latter's intromissions with the bishopric lands; this Robert had agreed to expedite under the terms of the contract. Bothwell was acutely embarrassed financially at this time,<sup>4</sup> and blamed Lauder for the inaccessibility of outstanding bishopric revenues, even though there seems little doubt that the fault lay as much with Robert as with the hapless chamberlain. Indeed the bishop himself must to some

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1. Roxburghe Muniments, see app. 7, no.9. . .

2. Historie of King James the Sext, 1565-96, 157.

3. Orkney and Shetland Papers, SR0 ref. RH9/15/102-5.

4. Roxburghe Muniments, see app. 7, nos. 13-18, 19-23, passim.

extent have realised this; on 8 July 1569 William Bothwell, another of his servants, returned from Orkney saying that Robert, while speaking 'fair wordis' to him had not allowed him to take up any of the bishop's dues and had discharged the commons (in the bishop's words) 'to answer ony of myne of onything in Orknay'.<sup>1</sup> Adam stated to Bellenden that his servant supposed that Robert had done 'na less' in Shetland 'swa that I may be eittin up be my creditors', and had been unable to get a notary in the whole of Orkney to discharge his office because Robert had become 'terrible to all that is within that boundis and when the last letters were execute upon him for the warrandice [presumably one of the terms of the excambion, e.g. outstanding rests of the thirds of Holyrood] he called my servandis in thir termes "put me to the horne quhen ye will ye sall get na thing of me" '.

Robert's contractual undertaking regarding Lauder obliged him to cause the latter to come to Edinburgh within two months of the contract date to make compt for his intronissions for the year 1567 and before. In fact Lauder did not return to Edinburgh until October 1569, almost a year later.<sup>2</sup> Lauder later stated that Robert had certified to him that he would not suffer him to pass out of Orkney until Allhallowmass 1569, but in the event he arrived at Montrose in late September with Robert's servants William Gifford, the laird of Penicuik and James Kennedy, Robert's brother-in-law, reaching Edinburgh a few days later. According to his account,

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1. Roxburghe Muniments, see app. 7, no. 14.

2. Ibid., no. 18.



Robert had virtually thrown him on to the ship, sending him on board 'sa suddanlie and haistellie... that he nicht nocht get nowther his writtingis nor yit his clathis to bring with him thairon...'.<sup>1</sup>

The bishop laid much blame on Lauder for his financial tribulations, speaking in letters of 'the evill willit selfischnes of my servandis',<sup>2</sup> but his treatment of him - locking him in 'ane cauld fast hous... quhair was na fyre nor eisment', compelling him to 'foot' accounts and sign obligations (later registered in the Broughton court books) under 'fear of perpetual ward and "wanting of fire and gret cauld" '<sup>3</sup> - seems to have been occasioned more by feelings of frustration than by any certain belief that he could actually squeeze anything out of his chamberlain. Bothwell had written to the justice clerk before Lauder's arrival 'I knaw nocht how to use him salvis legibus and be suir to haif compt raiknying and payment of him as I haiff na uthir way to cum thairby bot the keping of his persoun'.<sup>4</sup> In the end, although Bothwell thus extracted considerable sums from Lauder, the chamberlain had an instrument drawn up by Gilbert Grote, a notary, revoking the deeds he had subscribed on the grounds of duress. Lauder was not the only servant of Bothwell to be causing his master trouble, however. At the end of October 1569, Bothwell had occasion to complain to his uncle of the 'uncourtes' dealing of James Alexander, who would not render

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1. Prot. Bk. Gilbert Grote, 80-1.

2. Roxburghe Muniments, see app. 7, no. 18.

3. Prot. Bk. Gilbert Grote, 80; Donaldson, 'The Early Ministers of the North Isles', Shetland News, 9 Sept. 1943.

4. Roxburghe Muniments, see app. 7, no. 18.

account or give information regarding arrears without Bothwell having recourse to law.<sup>1</sup>

Whether or not Bothwell ever received his money from these men, he was at the same time contemplating other means of wresting money from his diocese. Since before Lauder's arrival in the south he had been contemplating legal action against Robert himself. He hoped to send William Bothwell north with a court officer - he later specified a pursuivant of arms - so that he could 'poynd and strenze' where necessary with (in William Bothwell's words) 'scharp chargis to me Lord Robert till caus me be abayit and assurit of the restis'.<sup>2</sup> The bishop sought Bellenden's influence in procuring arms (i.e. authorisation, in heraldic form) for the messenger; his letters implied that Bellenden shared his financial problems, and that Robert's doings in Orkney and Shetland had brought Bellenden to a position scarcely more favourable than that of the bishop himself, 'suirlye I am verray sorie that on ather syid we ar in that povertie that nather of us may help uther and your Lordships distres in that point is mair grevous unto me than my awin'.<sup>3</sup> Despite this, however, and despite the bishop's urgings, citing the opinions of the Lord Lyon in support,<sup>4</sup> Bellenden had still not prevailed upon the regent to permit the granting of arms to a messenger by 30 October 1569, the date of the last extant letter from bishop Adam.<sup>5</sup>

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1. Roxburghe Muniments, see app. 7, no. 18.
  2. Ibid., no. 19.
  3. Ibid., no. 21.
  4. Ibid.
  5. Ibid., no. 23.



For his part, Robert himself had explained at least one reason for denying the bishop his dues, in a letter to Bellenden dated 5 June 1569.<sup>1</sup> He stated that he was unable to take sasine of his new lands because of Bothwell's refusal to subscribe his 'evidents', the titles to the lands which he had drawn up. This was due to an insistence by the bishop that these, notably his charter of the lands in Shetland, were in diminution of the rental. This Robert denied; he stated that while it was true that his Shetland charter departed from past practice in having a reddendo calculated in money rather than victual, this did not mean a diminution of the rental and he explained to Bellenden the commodities of victual in Shetland - butter and wadmell - with equivalent weights and sums of money. He quoted the reddendo of his charter giving the sum in money and stating that 'thair is contenit the haill soume of the rental albeit the pryce of silver be sett less nor may be gottin for it'. What Robert was forced to admit (as this last statement implies and as he notes elsewhere in his letter) was that while the money payment might not have been in diminution of the rental, it might well be, and in the future almost certainly would be, in diminution of the profit. A victual feu would retain a value commensurate with current prices, whereas a money payment would decline in value with inflation, with no mechanism for adjusting the reddendo to compensate. However Robert justified himself on the grounds that the practice of changing payments from kind into money was now widespread 'and gif that be ane caus to reduce my chartor all the few chartors in Scotland that had wont to pay victual and ar turnit in silver will

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1. Roxburghe Muniments, see app. 7, no. 11.



reduce'.

In mid-October, Bothwell received a copy of this letter, or one very similar in tenor, from Bellenden. He wrote back on October 17<sup>1</sup> concerning Robert's proposed arrangements 'quhilk how preiudicial all war to me your Lordship is wyis anewch to considder seing that he can be content of na thing bot that quhilk wil wrai, a small heretage that aris obleist to pay him ten thowsand pund gif ony successors that I sal hef sall maik actioun of reduction aganis him'. It would at the same time be necessary for the bishop's successors to raise such an action 'as that that may be justifeit be na law and that onles thai do the samen thai will not haf watter kaill to leve upoun'. He had consulted wise men who were sympathetic to Robert's interests but who nonetheless thought that Robert's proposed 'evidents' were not legally acceptable. Consequently he had made out charters of his own leaving out Robert's objectionable clauses and hoped to show them to Bellenden before Robert's ship, on which he intended to send them north, had departed. By 30 October Bellenden had still not replied and Bothwell had been forced to allow Robert's ship to pass away northwards without his documents. When the correspondence deserts us as a source both this issue and that of the proposed messenger were still unresolved.

The relations between Robert, Bellenden and Bothwell now become obscured and are not again visible until February 1570. It

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1. Roxburghe Muniments, see app. 7, no. 22.

is evident, however, that in the interim considerable activity took place. An agreement was drawn up, dated 28 February,<sup>1</sup> which sought to settle virtually all the outstanding issues between Robert and the bishop. Robert was conceded his tack of the bishopric lands and in return was to furnish the bishop with a number of items: a copy of the said tack, appropriately confirmed; the obligation by Gilbert Balfour of 30 June 1560; an acquittance for the delivery of the Palace of the Yards; the common seals, registers and evidents of Holyroodhouse; some munition cakes of lead from the Palace of the Yards; warrandice on the Holyrood thirds and other matters; ratification by Jean Kennedy of Robert's contract with the bishop in respect of her former tacks of Broughton, Inverleith and Wardie. In addition Robert had to return various intromissions with the benefice of Holyrood, teinds and other duties of Broughton, and arrears for Orkney and Shetland (including Lauder's undertakings), and he was to fulfil his contractual promise to the bishop's followers - this time noted as Francis Bothwell, Patrick Bellenden and Alexander Kincaid - that they might 'leve in quietnes peciabilnes and securitie'.

The length and detail of the document and the number of both major issues and simple loose ends that required to be tidied up would seem to indicate a carelessness of legal forms on the part of Robert and an impatience to take control of his lands which had naturally left Bothwell and probably Bellenden too in a very awkward position for over a year. Robert might complain of the difficulties of his being denied sasine, but there seems little doubt that he

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1. Roxburghe Muniments, NRA(S) Survey no. 1100, bundle 811.



was already acting as feuar de facto and consequently in a far stronger position than the other parties to the contract of 1568. Moreover, it seems almost certain that the drafting of the detailed agreement was done on the bishop's side. The extant version of it is merely a draft, but the marginal annotations beside each clause all suggest that it was drawn up at the bishop's behest and submitted to Robert's commissioners, who inserted appropriate comments. All these comments are written from Robert's standpoint; generally he consented to most of the conditions, though he argued about the manner of his submitting a copy of the tack of the bishopric lands, would not surrender Balfour's obligation - though he conceded that he would exhibit it before a judge - and objected to refunding the cakes of lead from the Palace of the Yards.

When the grants of the lands of Orkney and Shetland and of justiciary and bailiary were finally subscribed in July 1572,<sup>1</sup> it is noteworthy that bishop Bothwell had had his own way in part of his struggle with Robert; the reddendo for the lands was in both cases couched in victual. The bishop was perhaps correct in suggesting that Robert's ideas seemed impossible even to those who supported him. At the same time, however, no immediate reason is apparent why the bishop was striving so hard to settle with Robert when only a few months before, in what he inferred were dire financial straits, he was still holding out. It would hardly seem coincidental that on 3 March 1570, only a few days after the date of the draft agreement, the General Assembly again produced a list of accusations which it

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1. OSR, 178, no. 69; Abbreviates of Chrs. of Kirklands, SRO ref. E.14, .ii, 146-9.



laid to Bothwell's charge.<sup>1</sup> Like those of 1567-8, these charges seem more the result of a campaign against him than genuine evidence of his shortcomings. Again, among other allegations, he was accused of neglect of his pastoral duties in having a seat in the session as well as an ecclesiastical charge, and in being responsible for the dilapidated state of the spiritualities of Holyrood. He answered, perhaps somewhat doubtfully, that many other ministers were judges as well, and, more reasonably, that he had had neither the time to improve his new living nor a commission to plant kirks in the bare year since he had returned from England.<sup>2</sup> As in 1568 his answers to the charges appear to have been accepted with little further comment and one is tempted to wonder if there is not a connection between this and Bothwell's compliance with Robert's demands for settlement of the issues outstanding between them.

Whatever the motives behind the prosecution of Bothwell, whatever the part played in it by Robert Stewart or by Bellenden, the Assembly accusations - notably that of exchanging the lands of his diocese for others pertaining to a layman - were to be the last major reference to the excambion, and the agreement of February 28 (of which no fair or registered copy appears to exist) was to be the last word for the time being on the complicated relations between Robert Stewart and Adam Bothwell. Although Bothwell may have proved himself against his accusers, the complaint that he included in his rebuttals that his bishopric had been wrested from him under

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1. BUK, i, 162-3.

2. Ibid., 165-7.

duress went unheeded and Robert had thus achieved the greater part of his ambitions.<sup>1</sup>

## Two

ROBERT wrote to Auchnoull from Kirkwall on 21 May 1569 and again about a fortnight later.<sup>2</sup> His first letter concerned his troubles with the bishop and his wish to know where Bellenden stood on the matter; in the second, however, after stating that he had sent Janet Livingston south to take his son Henry from the justice clerk's custody, he went on to write that he had 'put fra' him his servant James Menteith. The reason for this was, he said, that he understood that Menteith, a ringleader in the earlier unrest, was the cause of his and Auchnoull's brother Patrick's being 'sa lang sindry'. He sought the justice clerk's help in promoting good relations between him and Patrick, stating that if the latter proved 'the honest man to me [he] sal find me to be ane gud maister', and hoping that Auchnoull would counter any evil that Menteith might speak to the regent.

Shortly before the second of Robert's missives, on June 2, Magnus Halcro of Brough had addressed himself to the justice clerk, also from Kirkwall.<sup>2</sup> The tenor of his letter provides confirmation of his opposition to Robert mentioned in Henderson's letters of

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1. Roxburghe Muniments, see app. 7, nos. 9, 11.

2. Ibid., no. 10.

1567-8. 'Angir and ane impatient hart' were the reasons that he had written to Bellenden 'sen this blak excambioun wes maid for my part thairin is mair hevvar nor I will expreme in wrett'. He had had no wish to change masters and his 'gud mynd and service sall nocht be changit fra my lord the bischop nochtwythstanding all biganis' and the fact that his troubles were 'onrecompensit'. Halcro has been criticised by Storer Clouston for the apparent self-interest and lack of scruple in his change of allegiance from the earl of Caithness to bishop Bothwell in 1560,<sup>1</sup> but he appears to have gone to considerable pains on the bishop's behalf (his troubles were in any case far from over) and seemingly on Bellenden's also - 'all that I have done and gif it war ane hundretht tymes mair I think it weill warit'. He had, he said, never had so much of any man's gear as he had had of Bellenden's; he would not be found the 'ingraat man... and sal nevir refuis eftir my powar your lordship's querrell and charge'. However it would appear that the immediate reason for his writing arose from the necessity of his having to come to terms with what had happened and to seek Bellenden's assistance in a feared dispute with Robert. He told Bellenden that he had heard that Robert had been promised a feu of 10d land in Rousay - 5d in each of Skail and Westness - which lay runrig with his own lands of Brough.<sup>2</sup> If Robert were to take possession of this grant 'it will at schorttyme returne to my trublis and wrak for... it is nocht gud to me to be pertinax in rig and rendell wyth my

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1. Clouston, History of Orkney, 297.

2. Granted to him by Adam Bothwell, 22 Oct. 1560 (Prot. Bk. Gilbert Grote, 54).



Lord Robert gif your Lordship knew quhat is and apperantlie wilbe amang us'. If this grant could be stopped, he was prepared to make recompense to Robert 'wyth geir and service to his plesour'.

Patrick Bellenden, having seemingly heard of Robert's approaches to his brother in his letter of June 5, wrote to Auchnoull from Dalquharran in Carrick on July 24.<sup>1</sup> He told his brother that he offered Robert thanks, but that his staying out of Orkney was not occasioned by the presence of enemies there, and that he hoped to go north as soon as opportunity permitted him to leave his other affairs. He remirded Sir John of articles subscribed between him and Robert 'with mony utheris promissis', no part of which was yet performed, although he had sustained great loss as a result. This had to be redressed before he could make any promises of fealty to Robert. 'Tharfor my lord (sen ye ken the natour of the man and how oft he is able to brek promissis) I wil refer sik suirtie as his Lordship sould mak to me (quharof the sum is that I be restorit to my officis and rowmes that I bruikit of befoir and the articlis to be fulfillit war first maid endit as your Lordship knawis) to be endit and devysit be your Lordships self...' It was to be some years before a settlement, or at least the form of one, was to be reached between Robert and Patrick Bellenden, and both men were to suffer considerable vicissitudes before that time. For the moment relations remained sour, Patrick remained furth of Orkney (according to available evidence he was not to return until after Robert's death), and Robert was able to pursue the consolidation of his success.

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1. Roxburghe Muniments, see app. 7, no. 15.

On 25 October 1569 he had himself made provost of Kirkwall,<sup>1</sup> accepting the appointment ostensibly because of the 'compassion, pitie, respect and consideratioun' he felt for the commonweal of the burgh and noting how its liberties were 'hurt clean contrarie changit and abuset be extraniers strangers quhilkis forstall and regrate the samen'. In enforcing the burgesses' commercial monopolies, he secured for himself two thirds of any goods which were escheated for violation of the privileges and which were found outside the burgh.

Although the date of its commencement is wholly unknown, it cannot have been long after his return to Orkney in 1569 that Robert began building his new palace in Birsay. The knowledge yielded to us by the present remains of the 'Earl's Palace' is disappointing, but a number of facts seem clear. An inscription above the door, now lost, bore the date 1574,<sup>2</sup> so presumably construction must have been going on in the years up to that date. Built into its masonry are fragments - for example, part of the inscription 'Mons Bellus' - identifiable as coming from the old bishop's house.<sup>3</sup> Since that building was still in use as late as 1561, this suggests that Robert actually demolished the older building in order to furnish himself with stone. Masons' marks in the palace suggest (though not conclusively) that some of the same hands may have worked on Birsay as helped to erect Gilbert Balfour's Noltland Castle, different indeed

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1. Kirkwall Chrs., 80.

2. RCAHMS, Inv. Orkney and Shetland, 9.

3. Rendall, 'Birsay's Forgotten Palace'. Orkney Herald, 21 April 1959.

though the two buildings are.<sup>1</sup>

Architectural evidence suggests that the building was erected in two separate stages and, if so, Robert's undertaking of the years (say) 1569-75 would seem to have consisted of a courtyard enclosed on three sides open to the north. The later north side has been attributed to Robert's son Patrick, but given Patrick's altogether grander architectural ideas (as evidenced by his own palace in Kirkwall) it seems more likely that Robert built it as well, possibly during the second half of his life in Orkney and Shetland, during the 1580s.

Local tradition has it that seabirds' eggs were demanded from the populace for mixing with the mortar in building the palace, but consultation with Dr Fawcett and his colleagues, and with the late Ernest Marwick, suggests that this is a garbled story referring to egg used in mixing tempera for the scripture histories which were apparently painted on the ceilings of the building.<sup>2</sup> These included 'Noah's Flood, Christ Riding to Jerusalem' and others, appropriately labelled.<sup>2</sup> By comparison with Noltland, therefore, Robert's palace was a much less heavily fortified building. Professor Donaldson describes it as 'perhaps the earliest residence built by a subject which had an essentially domestic character, as opposed to that of a fortified house', and as 'something of a pioneering effort'.<sup>3</sup>

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1. I am grateful for this and other information regarding Robert's palace to Dr Fawcett of the Ancient Monuments branch of the Scottish Development Department who is at present engaged in the preparation of the official guide to the building.
  2. Brand, A Brief Description of Orkney, Zetland, etc., 31.
  3. Donaldson, 'Stewart Builders: the Descendants of James V', The Stewarts, xix, 20.



Certainly it was much pleasanter than Balfour's brutal pile, and Dr Fawcett concurs, taking the view that although the defensive capabilities of the house were by no means insignificant - there are gunloops and very few openings at ground level, ensuring that only the most determined attack would succeed in gaining entrance - nonetheless considerable attention was paid to the domestic arrangements, which were of a very high order indeed. A search for parallels in contemporary Scotland is difficult; Professor Donaldson states that it 'imitates the courtyard structure which was certainly envisaged, though not then completed, at Holyrood and Falkland', but there seem to be few if any contemporary parallels at the scale in which Robert was building. Although Dr Fawcett feels that Robert's palace displays ideas which were already current in Scottish and English architectural thought, there seems little doubt that it was in the very forefront of building fashion for a magnate of his power and status.

However, apart from the evidence of his having become provost of Kirkwall, the fact of his having begun building a palace for himself and his disputes with the bishop, details of Robert's activities during the early years of his first major stay in the north are disappointingly scanty. A charter of 1569 from bishop Bothwell to Robert and his son Henry of land in Deerness,<sup>1</sup> and a sasine of 30 June 1570 to Jean Kennedy and Mary Stewart<sup>2</sup> of Bellenden's former possessions in Birsay show that Robert and his relatives were taking

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1. Roxburghe Muniments, NRA(S) Survey no. 1100, bundle 1625.

2. Ibid., bundle 1612.

formal possession of the northern grants following the agreement of February 1570. The first of a number of recorded awards to Robert's followers took place in April 1571 when the feuar signed and sealed a charter by Alexander Dick, provost of Orkney, to William Ferguson of a tenement in Kirkwall.<sup>1</sup> Aside from these, however, there are virtually no local contemporary references to what was going on in the Northern Isles. In view of the later accusations against Robert that he placed restrictions both on ferries and on departure from the islands, it may be that this is not wholly due to the unfortunate non-survival of historical evidence.

On 23 January 1570, Robert's brother James, the regent, was assassinated, and was succeeded six months later by the earl of Lennox. This resulted in civil war between the new regent and an alliance between the Marian groups - notably the Hamiltons - and the followers of Maitland of Lethington. On 10 January 1571 Lennox ordered the arrest of one of Robert's ships, newly arrived in Leith from Orkney, and the delivery of its cargo to his 'captaines and men of weir' in Edinburgh,<sup>2</sup> presumably to supply the troops engaged in the lengthy siege of Edinburgh Castle, held by Kirkcaldy of Grange. No further details of this incident are available, but it would appear that Robert's old 'concurrence' with the Hamiltons (and dealings with Lennox and his son) had not been forgotten and Lennox was taking advantage of Robert's distance from the centre of affairs.

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1. REO, 344, no.ccxxii.

2. Pitscottie, Historie, ii, 243.

On 9 September 1571 Lennox was in turn killed at Stirling. He was succeeded shortly afterwards by John Erskine, earl of Mar, and this development began for Robert Stewart an ominous train of events which would ultimately bring to an end the first period of his rule in the islands. Though Mar was now regent, he was no politician, and real power rested in the hands of James Douglas, earl of Morton,<sup>1</sup> a man whom Robert had in the past accused of putting evil report of him to Moray on behalf of Patrick Bellenden. It is little wonder then that Patrick was soon seen to be on the move against Robert. On 10 June 1572 Sir William Drury wrote to Burghley that 'Patrick Pallantyne, brother of the Justice Clerk, who long has envied Lord Robert for dispossessing him of somewhat he enjoyed in Orkney, being supported by the earl of Caithness, is now for revenge prepared to essay the same.'<sup>2</sup> Robert was making preparations for this and had gathered together 300 men. Faced with this crisis and presumably lacking much support among the powerful in Edinburgh, it is significant that when Robert was called to account three years later it was 1572 that was given as the year that he had committed the gravest of the crimes laid to his charge - that of treasonable approaches to Denmark.

At the same time, however, formal transference of power from bishop Bothwell to Robert was proceeding apace. On July 17 in Leith and in September in Orkney, charters were subscribed granting Robert

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1. Donaldson, James V-James VII, 165.

2. CSP Scot, iv, 322.



and Henry the bishopric lands in Orkney and Shetland and making them justices and heritable bailies. On July 26, in Edinburgh, a contract was drawn up between Robert's commissioners and Bellenden of Auchnoull for the sale of Orkney butter<sup>1</sup> and on November 1, also in Edinburgh, Robert's servants William Elphinstone, John Dishington and James Hay concluded a contract with two Edinburgh burgesses, William Monteith and James Marshall for the sale of 36 chalders of bere.<sup>2</sup> Interestingly, this contract was subscribed by Robert's mysterious brother Adam.

Acting as one of the cautioners for Robert's servants in the latter contract was his half brother Laurence Bruce of Cultmalindie, and about six months later, on 18 April 1573, Bruce was again in Edinburgh, registering an obligation which stated that, having been appointed by Robert 'faude, schiref depute and chalmerlane' of the king's part of Shetland and 'baillie justiciarie of the regalitie' of the bishop's part, he would make just account and reckoning of his intromissions.<sup>3</sup> Later, when Robert's affairs came to be investigated, these intromissions were to be the subject of their own inquiry.

Meanwhile, at Burntisland, five days before the registration of Bruce's obligation, the notary Gilbert Groat drew up an instrument

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1. Roxburghe Muniments, NRA(S) Survey no. 1100, bundle 1612; stated to have been regd. B of C & S, 29 July 1572, but not to be found.
  2. Reg. Deeds (1st series), x, 211.
  3. Ibid., xii, 130.

at the behest of Patrick Thomson, skipper, and George Cockburn, burgess of Dundee, owners of the ship Marie Blyth and Robert Laird, a seaman;<sup>1</sup> this was to record the first item in what was to become a considerable list of alleged acts of villainy on Robert's part. The instrument narrated that Thomson and his associates had been at Pierowall in Westray the previous February loading their ship with bere which they had received from tenants of Gilbert Balfour. Robert had commanded them to take the bere to Flanders, although they knew it was not his, and he expressly forbade them to take it to the Firth of Forth, presumably their original intended destination. The Marie Blyth was to have been accompanied by the Stilbert, skippered by Robert Troup, but the latter ship had sunk on the way; presumably Thomson and the others did as they had been commanded. Exactly why Robert wanted to send bere to Flanders is not recorded, though this was not to be the only time that he was to have business in those parts. His use of Gilbert Balfour's rents for his own purposes illustrates the advantage Robert was taking of Balfour's absence from the country in the service of the king of Sweden to intromit with his affairs; these activities were also shortly to be the subject of litigation in Edinburgh.

On 23 January 1574 the Harmanstein, the traditional January court in Orkney, was held in Kirkwall with full assize of 27 members; Robert presided - the first recorded instance.<sup>2</sup> Unfortunately the document is fragmentary and tells us little about Robert's justice-giving, though it is perhaps noteworthy that Robert's own servants

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1. Prot. Bk. Gilbert Grote, 81-2.

2. REO, 134, no. lx.

Patrick Menteith, John Caverton and William Ferguson were among the assize members, as well as William Henderson. A second assize, of the 'sheriff court of Orkney and court of regaltie of the sammyn respective', was held in St Magnus Kirk, Birsay, on March 31.<sup>1</sup> Like its predecessor, the surviving decree tells us little about Robert's administration, but a charter issued at Kirkwall very shortly afterwards is rather more interesting. This was granted by Robert to Magnus Clouston of land in Grimeston, Harray, and Kirbuster, Orphir, escheated from William Clouston, Magnus' father, for theft. This is specially noted by Storer Clouston as being the first of a considerable number of examples of 'eviction for theft' which were in all probability corrupt;<sup>2</sup> certainly the land involved here was still noted in Earl Patrick's rental of 1595 as pertaining to the earldom by escheat from its former (presumably) udal owner together with nearly 40 other examples of land confiscated for theft, witchcraft, suicide and other crimes.<sup>3</sup> The Clouston case was seemingly mentioned in the complaints against Robert in 1575, though the charge was that of pardoning William Clouston of the capital crime of theft rather than the illegal confiscating of his land. Noteworthy is the bailie of Harray who gave sasine to Magnus Clouston for the Grimeston lands. His name was William Sclater, and it may well be that he was the same individual who had taken part in the cathedral killings of 1568, appointed to his bailiary in place of the ousted William Halcro of Aikers.

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1. REO, 135, no. lxi.

2. Ibid., 291, no. clxxiv.

3. In all, there were over 50 surviving examples of escheats and apprisings by Robert. See app. 8.



During 1574, trouble began to build up for Robert. On February 3 his procurators before the privy council, John Sharp and Clement Little, admitted that he had intromitted with goods and gear pertaining to the king by virtue of letters of horning raised against him at the instance of Patrick Bellenden for non-compearance before the council to answer such things 'as sould have bene laid to his charge'.<sup>1</sup> On March 17 mention was made before the council of letters raised against Robert to deliver to Gilbert Balfour and his followers the 'hous and fortalice of Westraw' and the lands and profits thereto pertaining.<sup>2</sup> Jean Kennedy, acting for her husband through Clement Little, stated that these letters had been duly executed, the castle 'left void' and the keys given to the pursuivant responsible for the execution; certain of Robert's goods which had been placed in other houses had had to be left there for some time owing to bad weather, but had since been removed. Nevertheless it was said that letters had been directed to Robert summoning him to compear 'to heir him be decernit to be forfaitit.' This summons of treason was alleged to have been 'purchest... upoun verie malice... and divisit to draw the said lord (Robert) furth of the cuntre, swa that sindry personis abydand opportunitie may in his absence interpryise and execute sic thingis as is abill to tend to his utter wrak and the greit hurt of the cuntre'. Despite this, Robert was willing to come south but was prevented by the severities of the season. It does not seem impossible to guess who the 'sindry personis' might be.

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1. RPC, ii, 332.

2. Ibid., 340-1.

The regent accepted the supplication by Jean Kennedy regarding Balfour's lands in Westray and further action was postponed till June 10. Nothing further was heard of this matter, but Patrick Bellenden secured further letters from the privy council directing Robert to re-possess him in his Orkney lands in Stenness, Hoy and Stronsay, and other territories in Shetland. The letters were dated 20 September, with repossession to take place within 15 days (or justification for failure to carry out the order within 24 days). On 13 October John Dishington compeared before the council to explain that formal repossession had not taken place owing to the continued absence of Patrick.<sup>1</sup> Robert and Patrick were at loggerheads, and it would have required stronger action by the authorities to solve their dispute. Robert was not (at least in the present circumstances) prepared to come south, where he would be isolated in the face of Bellenden and his friends. Bellenden, whatever the truth of the tale of his Caithness-backed expedition, was not prepared to make his way into Robert's territory.

At the same time as these events in the south, Robert was proving particularly active in the islands. In the spring of 1574, not long after his court at Birsay, Robert paid a visit to Shetland which, if there is any truth at all in later accounts, must have been remembered there and elsewhere for a long time afterwards. On May 12, the Michael and the Mynioun, English merchant and fishing vessels, were fishing off Shetland when they were set upon by Robert

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1. RPC, ii, 409-10.

and his men, who took both ships to Scalloway, charged the merchants, led by John Crooke, Bernard Cartmyll, Thomas Demaresk and John Smith, with various 'invented' offences, and confiscated both cargoes and ordnance worth a total of nearly £350.<sup>1</sup>

A few weeks later, in June 1574, Robert held another court at Scalloway Banks, where he condemned to death Gilbert McCreath, Robert Rotter and David, James and Norman Leslie for despoliation of a ship of Emden. They had boarded this vessel while it lay sheltering off Northmavine, removed a dozen bolts of Holland cloth and 2000 Spanish royals and the ship's tackle, then set the stripped craft and its crew to sea in bad weather, never to be heard of again.<sup>2</sup> If what McCreath and his men had done was barbarous, however, it was well matched by Robert who, although he ultimately spared them, nonetheless forced their loot out of them by keeping them at the gallows-foot for two hours with the ropes round their necks.

The same month, in Yell, Robert granted a charter to Walter Donaldson alias Smith of land in Hammer, Unst, formerly pertaining to Ola Anderson but escheat because the latter had 'depairtit out of this cuntrie to the pairtis of Noroway and hes remanit thair thir dyverse yeiris bypast but licence of me or ony utheris his superiouris he beand ane heritour within this cuntrie'.<sup>3</sup> During the same visit to

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1. RPC, 11, 654-60.

2. Oppressions, 11; McCreath and company were still being pursued for this crime by Patrick Stewart nearly 30 years later, Court Book of Shetland, 47.

3. OSR, 195, no. 71.



Shetland, Thomas Boyne, one of the followers of Bruce of Cultmalindie, was said to have slain Patrick Windram in Robert's presence; Boyne was imprisoned for six weeks, but afterwards freed and sent to Norway.<sup>1</sup> Finally, on July 25, Robert made a grant to another of his servants, James Hay, of chaplains' rents from the parishes of Dunrossness, Gulberwick, Burra, Weisdale, Sandsting, Yell, Fetlar and Unst.<sup>2</sup>

For a year after the Shetland expedition, concrete evidence for Robert's activities again becomes hard to find, though one may assume that he returned to Orkney and remained there. On 26 July 1574 Jean Kennedy (noted as having commission from her husband to negotiate with the Regent regarding the thirds of Holyrood) concluded a contract of sale with Edward Little and Alexander Couston concerning Orkney butter.<sup>3</sup>

The following year, 1575, saw a number of other occurrences involving persons with northern interests. On June 26, Morton wrote in the king's name to King John of Sweden<sup>4</sup> and again on August 4 to Charles, Prince of Sweden,<sup>5</sup> interceding on behalf of the imprisoned Gilbert Balfour. His representations were to no avail and on 6 August 1576 Balfour was executed for allegedly plotting against his master.<sup>6</sup> On June 20, the strangely shadowed history of Robert's brother Adam came to an end with his death in Orkney; his daughter who had married

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1. Oppressions, 8.

2. RSS, vi, no. 2011.

3. Reg. Deeds (1st series), xiii, 256.

4. State Papers (SRO ref. SP.1/4/29).

5. Ibid., SP.1/4/30.

6. For details of Balfour's later career, see Dow, Ruthven's Army in Sweden and Esthonia.

an Orcadian, Henry Halcro, furnished him with a tombstone which can still be seen in St Magnus Kirk today,<sup>1</sup> and of the illegitimate sons of James V, only the two Roberts now remained.

The feuar of Orkney was now, however, in increasingly serious trouble. On 19 January 1575 Laurence Bruce, William Elphinstone and others of his servants, presumably in the south on his business, were warded in the area of Edinburgh, Holyrood and the Canongate.<sup>2</sup> This was the first sign of determined action by the central government against Robert. What happened next is wholly unclear, but the fact is that by August of the same year Robert had been compelled to submit himself to ward in Edinburgh Castle.<sup>3</sup> How it was that he had been induced to come south, when he had always before been very careful about leaving the islands where he felt himself safest, is unknown. Perhaps the warding of his chief servants, perhaps the continued absence of his wife from the islands, influenced him in his decision. Perhaps, as succeeding events may show, he had for the time being literally nowhere else to turn in his conflict with Morton and his followers and was forced to the desperate hope of building up support for himself in Edinburgh.

### Three

ON 16 December 1575 came the formal completion of a list of complaints - 'Articles and Informations of the wrangus usurpation of the King's

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1. RCAHMS Inv. O & S, ii, 132, also plate 35, fig. 201.
  2. TA, xiii, 93.
  3. Historie of King James the Sext, 1565-96, 157.

Majesty's authority, and oppression committed by Lord Robert Stewart, fewar of Orkney and Zetland'. This list is usually associated with that concerning the actions of Bruce of Cultmalindie compiled a year later in Shetland by commissioners William Henderson and William Moodie. The connection is a reasonable one to make, but it is important to note the many significant dissimilarities between the two. The earlier list concerned both Orkney and Shetland, the later Shetland only. The earlier was drawn up anonymously and was aimed at Robert, though some of the accusations against him were treated much more fully in the complaints against Bruce. The first list does not mention Bruce at all; the second makes only three very general references to Robert. The second document is evidently the product of a much more formal procedure than the first; it was drawn up during a fortnight or so in February 1577 on the thingholm near Scalloway, in the presence, on successive days, of a fair selection of the commons of the different districts of Shetland. The paper charging Robert is no more than an anonymous catalogue by comparison.

What this contrast may illustrate is the differing attitude of the two island communities to the new order of things under Robert and his followers. Orkney, over the years much more of a cockpit for political conflict and change, produced a simple compilation, probably drawn up by supporters of Patrick Bellenden and Magnus Halcro and former followers of the bishop. Shetland, whose past history had rendered it relatively free from outside interference, reacted in a much stronger and more 'democratic' manner to a rule that must have been at least as oppressive and arbitrary as Robert's own behaviour in Orkney.



As Balfour prints the complaints against Robert in his Oppressions there are 33 separate accusations, several citing more than one instance and several citing the same action as evidence of more than one crime, with some subsidiary charges. These can be arranged fairly easily under five heads: (i) treasonable dealings with Denmark, (ii) general oppression (banishment, unlawful imprisonment, confiscation of property, etc., aimed both at personal enemies and at the apparently innocent), (iii) piracy and conniving with pirates, (iv) exceeding his authority, (v) interfering with the native laws to his own advantage.

It might be tempting to see these charges as primarily the product of the animosity of Morton and his followers; certainly the silence regarding them which followed Morton's fall suggests that the enmity between the regent and Robert was a major driving force in having them publicised and investigated. If this seems an unduly cynical attitude on Morton's part to the misfortunes of the islanders, it should be noted that there is evidence that enmity to Robert was more a characteristic of Patrick Bellenden than of Morton himself, and that Morton's own attitude was largely venal. According to the anonymous author of the Historie of King James the Sext Robert was 'in greate feare to be heighlie puneist... but the Regents opinion was rather to fyne sum weght of gold from him than utherwayis'.<sup>1</sup> It would however be entirely wrong to see the charges (and the other instances of Robert's misbehaviour) as being purely the inventions of the Morton faction. The author of King James's history was in no doubt as to

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1. p. 157.

Robert's guilty participation in grave crimes, and the closer the examination of the Complaints, the more apparent it becomes that Robert was lucky to survive this period of his life. Ironically, it could be argued that under a different regent Robert might well have suffered the punishment he feared.

The most important of the accusations - indeed the only one noted by contemporary observers outside the islands<sup>1</sup> - was that in 1572 Robert had sent Gavin Elphinstone his master household and Henry Sinclair his 'chalmerchield' to Denmark 'with express commission under his Great Seal and hand writt, to render to the King [of Denmark] the supremacy and dominion of... Orkney and Zetland'.<sup>2</sup> The Danish king, it was said, had sent back his confirmation and gift with one Hans Corsmay, from Bremen, enclosed in a bolt of Holland cloth, and deputed one Lawrence Carness to be his lawman in the islands.

Other evidence shows that Gavin Elphinstone had indeed visited the Danish court, claiming to represent Robert, and offering King Frederick II sovereignty over the islands. However the only existing document concerning this mission is a letter dated 23 January 1574 which according to its tenor was sent back in Elphinstone's own keeping.<sup>3</sup> The letter states that Elphinstone's arrival in Denmark had taken place shortly before, which suggests that it was 1573 that the first approach was made rather than the 1572 mentioned in the complaints; on the

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1. Historie of King James the Sext 1565-96, 157; Melville, Memoirs, 264.

2. Oppressions, 3.

3. Reports of the Deputy Keeper of the Public Records, 46th rep., app. 11, 24.



other hand, the nature of the Danish response was such that the government might well have kept Elphinstone waiting a year and more for a reply. Though definitely suggesting that Robert had made approaches to Frederick II, the letter is much less positive in its sense than the charge against Robert would suggest. In the first place, it was issued by two royal officials rather than by the king himself; indeed the king does not appear to have met Elphinstone on this occasion. Secondly, although stating their willingness to discuss the problem of Orkney and Shetland with Robert, the Danes in fact avoided the issue by questioning Elphinstone's credentials as Robert's representative and seeking further information.

Danish reluctance to act on this approach may have derived from regard for Scoto-Danish relations; there had been no approach to a Scottish government on the question of the status of Orkney and Shetland for 15 years, nor was there to be another until 1585, and it seems unlikely that Denmark would have taken part in activities which could have produced considerable difficulties simply at the behest of one relatively minor magnate. However, there seems no doubt that the Danes were also alienated by the character of Robert's representative. The letter (which survives only as a copy in the Danish royal letter-book) bears a marginal note describing Elphinstone as a thoroughly untrustworthy scoundrel (scurra et praestigiator improbissimus, Scotus natione, fuit).

As far as Robert is concerned, Elphinstone is a somewhat mysterious figure; the only other reference to him in connection with Robert - a story that the latter issued him with a licence to fight



a single combat with one Patrick Clark - comes from the Complaints.<sup>1</sup> However, he was not unknown to the Danes. He had been a messenger from Moray to the Danish king as early as August 1568,<sup>2</sup> and he was the subject of a letter from Lennox to Frederick II on 18 July 1570 interceding on behalf of Alexander Campbell and Archibald Stewart who had been imprisoned in Denmark on allegedly false charges.<sup>3</sup> Among Campbell and Stewart's accusers, all of whom were described as being infamous in Scotland, was Gavin Elphinstone, who was said to have robbed his patron 'with whom he had lived honourably for some years'.

Perhaps the Danes even wondered if Robert knew of this embassy conducted in his name; perhaps, although it seems unlikely, he was indeed innocent. At any rate it seems strange that nothing further is heard of Elphinstone. It may be, as his name might suggest, that he was related to Robert through the latter's mother. Possibly he was indeed Robert's master household, but by contrast to Robert's other important followers for whom there is no shortage of further references, he is never heard of again. One possibility, though it must remain speculative, was that Elphinstone was employed by Robert solely for the purpose of making overtures to Denmark on account of his previous experience of the Danish court. The same obscurity affects the characters of Henry Sinclair, Hans Corsmay and Lawrence Carness. The picturesque story of the bolt of Holland cloth could

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1. Oppressions, 9.

2. Reports of the Deputy Keeper of the Public Records, 47th rep., 18.

3. Ibid., 19.

be true, since secrecy would be essential even for such an inconclusive missive as Robert in the event received, but the references to Sinclair, Corsmay and Carness regrettably find no corroboration elsewhere.

The threat of active opposition from Patrick Bellenden, coupled with the appointment of Morton to the regency, must have brought to life again many of the problems that had faced Robert in the winter of 1567-8. Unlike that time, no-one throughout Robert's incarceration ever voiced any doubts as to his actual title to his northern lands, but the antipathy of Patrick Bellenden with the sympathetic ear of the regent and the support of the earl of Caithness, who no doubt still had thoughts on old enmity dating from 1529, must surely have caused Robert to fear for his power and driven him to seek allies where he could. The Danes, however, no doubt wisely, forbore to interfere in what was primarily a Scottish internal political matter.

If Robert's actions are seen as being in reply to those of Patrick Bellenden, then it hardly comes as a surprise to find that among those complaining in December 1575 of ill-usage at Robert's hands were a number of persons already noted by William Henderson in 1568 as being supporters of Bellenden and plotters against Robert. Of several who had been banished 'but ony order of law',<sup>1</sup> William and Magnus Moodie must surely have been respectively the former chamberlain involved in the alleged plot against Robert of 1568, and another of the alleged plotters, a follower of Magnus Halcro of Brough mentioned in the latter's contract with the earl of Caithness in 1560. These two were also said to have been pursued 'furth of their

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1. Oppressions, 5, no. 8.

awne houses, under silence of night' and imprisoned,<sup>1</sup> as was William Halcro, again presumably the same man named in the bond of 1568. Magnus Halcro himself, whose fears expressed in his letter\* to the justice clerk seem to have been fully justified, was among those compelled to 'discharge and quitclaim' their heritage, and he was imprisoned in the Yards with William Moodie. It may even have been Robert's treatment of him that brought about his death, in or before 1575.<sup>2</sup> Also compelled to part with their heritage were his wife Margaret Sinclair and her relatives Hugh Sinclair of Strome and Oliver Sinclair of Essinquoy ('Estaquoy').

These were by no means the only individuals who suffered at Robert's hands, though they were notable in their number. Also among those banished were John Gifford, minister of Northmavine, and Ola Sinclair of Brough, both Shetland notables; those taken under silence of night included in addition Edward Sinclair of Eday, son of Oliver Sinclair, the former tacksman. It may well be that the oppression of these individuals was occasioned by political motives which are hidden from us; but the actions noted in the complaints also involved individuals with no interest whatever in the politics of the north. Notable among these, of course, were the English merchants Robert had attacked in 1574. In this exploit Robert presumably employed the 'pirates' with whom he was later accused of consorting.<sup>3</sup> These were named as Patrick

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1. Oppressions, 8, no. 21.

2. REO, 160, no. lxxiii.

3. Oppressions, 4-5.

\* See p. 136.



and Edmund (Edward)<sup>1</sup> Blackadder, David Willie, David Cathcart, Robert Stevenson, John Hume, Mathew Aikman, James Crosby and Henry Balfour; Robert was also said to have granted his bond of maintenance to Hume, Crosby, Edmund Blackadder and, curiously, Magnus Moodie. The prizes taken by these men amounted to 'nine great ships laden with precious gear' totalling in value more than £100,000, as well as two English ships taken in Shetland (probably the ones also noted separately) one of which Robert appropriated to his own use, giving the other to the pirates.

There seems little doubt that most of these men were indeed in Robert's employ, and there is independent evidence of their piracy. On 12 July 1574, one Peter Fisher, a merchant seamen suspected of piracy and interrogated in Edinburgh as to his past career, stated that he had been in Scotland at the time 'Lord Robert of Orkney's ship was taken out of the haven of Burnt Island', when he was hired by Robert's men.<sup>2</sup> He had then sailed to Orkney in the Andro and returned south with Robert's wares in John Hume's ship. Less than two months later he had been hired by Hume and James Crosby and sailed to Norway where they had captured a hoy laden with copper kettles and other cargo. This was taken back to Orkney where it was received from them by Edmund Blackadder.<sup>3</sup>

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1. Edward Blackadder is so called in the Oppressions, and examination of the original by staff of the British Library confirms this reading; however all other references to him name him as Edmund.
  2. CSP Scot, v, 24.
  3. The printed version of this document gives Blackadder's name as Edward, but further examination of the original by officials of the Public Record Office at my request has confirmed that this is a misreading of 'Edmond'.

Both the Blackadders, Edmund and Patrick, would seem to have been fairly well known figures in Scottish maritime circles, in all probability related to the William and John Blackadder already noted as having been active in northern waters in Bothwell's time. Both are noted many times in the extant records of the 16th century admiralty court,<sup>1</sup> and there is other evidence that Edmund in particular was notorious. There had been complaints made regarding him on 1 January 1570 and again on 23 March 1571 when Frederick II of Denmark had written to the Scottish king concerning a ship of Lubeck piratically seized by 'Capt. Eideman Bleceter' and carried to Orkney.<sup>2</sup> This is especially interesting in view of the fact that Edmund Blackadder was stated by Robert in his letter to Bellenden of 31 March 1568 to be one of the two of Bothwell's captured followers that he had sent south by order of the Regent Moray. As mentioned earlier, the two had escaped, or had been permitted to escape, and Robert had expressed the fear that his brother, the regent might suspect that this had happened with his connivance. The later evidence regarding these men and their relationship with Robert rather suggests that Moray would have been correct in that assumption. The Complaints also make mention of a Thomas Beanston and it is tempting to speculate whether the laird of that name as well as Blackadder was allowed to settle in Orkney. However, the laird of Beanston's surname was Hepburn and it seems unlikely that he changed it;

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1. Acta Curia Admirallatus Scotiae, passim.

2. Reports of the Deputy Keeper of the Public Records, 46th rep. app. ii, 23.

if he did, he and Robert must have fallen out since he is included in the Complaints as being among those pursued by night.

There does not seem therefore to be a great deal of doubt as to Robert's guilt with regard to the charges of 'sklent dealings' with Denmark, oppression and piracy. It is when the other groups of charges are considered - those alleging that he acted beyond his authority and interfered with the native laws - that problems arise. Certainly there is evidence of his breaking native precedents in his own interest, and it is also the case that several of the actions cited to illustrate the overstepping of his powers would be regarded as crimes for other reasons in any case. However several of the allegations raise the whole question of Robert's position in the islands and that of what powers he was entitled to by virtue of his heritable infeftment. These charges are at times confused, and seem in some cases to be attacking powers that Norse Law may well have allowed him rather than the oppressive behaviour which he would seem to have justified by reference to that law. In examining the charges against him, one regrets the absence in Orkneyinga Saga of descriptions of legal cases on the scale of, say, Njal's Saga - descriptions which might give a clue as to the powers the old law book of Orkney and Shetland accorded the earl within his dominions.

Robert was accused of: usurping royal power in taking up royal customs,<sup>1</sup> mails and grassums formerly paid to the Comptroller;<sup>2</sup> de-

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1. Oppressions, 4, no. 3.

2. Ibid., 9, no. 26.



claring himself to enjoy quasi-monarchic power in the islands - 'as free Lord and Heritor of Orkney and Zetland as the King of Scotland is in his own realm, or the Queen of England, or the King of France in France';<sup>1</sup> disponing the benefices of the islands 'vacant at the King's Majesty's gift';<sup>2</sup> imposing forfeiture and escheat;<sup>3</sup> and remitting and forgiving capital crimes such as slaughter, theft and piracy.<sup>4</sup> He was also stated to have taken unto himself the powers of admiralty<sup>5</sup> and justiciary.<sup>6</sup> Now it is not intended to offer any special defence of Robert's character and honesty or his government of the islands, but an examination of the ancient legal arrangements of Orkney and Shetland suggests that he had at least some rightful basis for using the powers he did. Certainly he seems to have had some consciousness of the special position his infeftment gave him; regarding escheats, for example, he wrote to Bellenden on 21 May 1569, stating that he was 'als frelie infeft with all eshetres of Orknay and Zetland as the kyng or quene mycht gif the samen'.<sup>7</sup> The 'royal customs, tolls and victuals of Shetland which he was accused of taking up without permission would seem to have been the rightful perquisite of any feuar or renter of the earldom since skat, the old Norwegian royal tax, had been paid in Norse times to the earl rather than the king of Norway and there is no evidence that past tacksmen of the earldom had paid anything to the Scottish exchequer but tack duty. It is true that mails had been paid

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1. Oppressions, 5, no. 9.

2. Ibid., 6, no. 14.

3. Ibid., 6-8, nos. 13, 17, 27.

4. Ibid., 8, no. 22.

5. Ibid., 4, no. 5.

6. Ibid., 7, no. 17.

7. Roxburghe Muniments, see app. 7, no. 9.

to the comptroller before Robert's time, but only in the absence of a tacksman; there had of course been no active tacksman of the islands since Oliver Sinclair. It would hardly have seemed necessary, therefore, for Robert's infeftment to contain a specific clause permitting him to gather an accepted source of income for a superior of Orkney and Shetland.

Robert's attitude to forfeiture and escheat has<sup>a</sup> been noted, and it is here that the distinction previously made between the charges involving his exceeding his authority and his interfering with the native laws, although warranted by the form of the complaints themselves, becomes artificial and confused. It is said that he usurped 'to him the King's Majesty's authority in all forfeiture and escheats of lands and goods', and there is plenty of evidence that forfeiture was a favourite ploy of Robert's in seeking to extend his dominions, or at least to establish a superiority over the udal lands of Orkney and Shetland. Yet the earl or superior of Orkney would seem to have been perfectly entitled to fine, banish and escheat. It seems unnecessary for this erroneous charge to be added to the perfectly competent accusations that, for example, he applied forfeiture to dead men whose estates had already been disposed by the crown<sup>1</sup> and intended 'be way of purpresloun to escheat the haile vuthall lands...'<sup>2</sup> It is noticeable that, in the case of William Clouston cited earlier,<sup>b</sup> the complaint was that Robert had pardoned him for theft, not that he had escheated his property.

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1. Oppressions, 9, no. 27; The Gulathinglaw allowed for the prosecution of dead men, but not in any circumstances that could conceivably apply to Sir James Sinclair of Sanday (Larson, Earliest Norwegian Laws, 132).

2. Oppressions, no. 6, no. 13.

a. See previous page.

b. See p. 146.



What all this indicates is two systems of law in conflict.

Among the complaints are some which are pure Norse Law - a reference to 'sweyne roitting', the problems of the udallers, the interesting allusion to Robert's pursuit of his enemies by night, reminiscent of the traditional Norse custom of reckoning crimes committed at night as more heinous than those committed by day.<sup>1</sup> Thus far native laws were accepted. But in addition there are charges which significantly find no place in the complaints against Bruce, in all likelihood because they were not made by islanders at all, but by Scotsmen. The charges are in accordance with the law of Scotland and little note is taken of instances where they contradict the native laws of the islands.

There was for example considerable precedent in Norse Law for superiors of Orkney and Shetland acting in the capacity of admirals. It is true that the first recorded admiral in Scotland was Henry Sinclair, the earl of Orkney who died in 1417,<sup>2</sup> but Robert's precedent for acting as he did would seem to have lain more with the law-book. As foud of Shetland he was fully entitled to exercise a maritime jurisdiction. The arguments in the case of the Southampton merchants, brought on 14 December 1577,<sup>3</sup> illustrate this. Robert defended himself on the ground that the merchants' ships were in fact fitted out for piracy and had attacked one David Rusman in Scalloway. On a former occasion, in 1571, John Smith, one of the Englishmen, had received a 'cowp bill' as a merchant, but had not dealt in merchandise

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1. It would appear that the Gulathinglaw accounted a night killing as by definition murder (Egil's Saga, 155).

2. Acta Curiae Admirallatus Scotiae, xiii.

3. RPC, ii, 654-60.



and had gone away 4-5 days later. On the later occasion, in 1574, Smith had entered his ship and received a 'coip bill according to the maner and custom of the cuntrie'. The 'cowp bill' was a licence granted to a visiting merchant, enabling him to trade and laying down conditions; it is mentioned in both the complaints against Bruce and the Shetland court book of 1602-4.<sup>1</sup> The latter source, in addition to noting this undoubted evidence of the foud's jurisdiction over merchant shipping, gives strong support to the view that this jurisdiction extended also over fishing and other vessels. The case of McCreath and his followers illustrated clearly the confusion between the Scots and Norse views of this jurisdiction. Robert may have behaved wretchedly, but it seems rather hard that he should be blamed on the one hand for usurping power of admiralty and justiciary (as he was specifically in this instance) and on the other for sparing McCreath and his men punishment for their 'cruel deed'.

Justiciary powers, too, would seem to have been part of Robert's legal position as sheriff and foud. The Scottish justiciar's powers were indeed broader than those of the 'simple sheriff' that Robert was stated to be. A justiciar traditionally dealt with 'supreme cognisances of all controversies of every kind'.<sup>2</sup> However, if Robert was a sheriff, he was hardly a 'simple' one. The term sheriff in Orkney and Shetland had been in use since 1541, when Oliver Sinclair was created justice, sheriff, admiral and bailie. Sinclair's commission, however, completely ignored the legal set-up in Orkney and Shetland, and as far as jurisdiction is concerned, it is difficult to

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1. Oppressions, 40; Court-Book of Shetland, 74. - = 722.

2. Encyclopaedia of the Law of Scotland, viii, 597.

imagine the term sheriff being more than the name (employed at first in Orkney alone) for the senior legal official in what was still very much a Norse system of law. By the 1570s, the foudry of Shetland had also become a titular sheriffship,<sup>1</sup> but retained its old judicial powers right up to the abolition of Norse Law in 1611.<sup>2</sup> The law-book of Orkney and Shetland is of course not extant, but it is generally accepted that it was a regionally modified version of the Gulathinglaw, whose provisions extended over the whole gamut of civil, criminal and maritime law.<sup>3</sup> Given this, and the strongly independent position of the Orkney earls, it is difficult to imagine Robert's judicial powers being much less wide than those of a Scottish justiciar. Of the two examples cited in support of the charge against Robert, the McCreath case has been noted; the other concerned one William Wishart in Shetland who had been dead for a year before Robert's entry, but who was condemned in effigy and had his goods and gear confiscated (as had Sir James Sinclair). Though cited in support of three separate charges,<sup>4</sup> this case is unfortunately completely obscure.

Of the complaints accusing Robert of exceeding his authority, one further example had native practice as its defence, namely that he 'took up wrak and waithe of the whole country of Orkney without commission and not contained in his infetment, extending to 10,000 merks'. 'Wrak and waithe' in Scotland belonged to the crown; in the

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1. Jardine Dobie, 'A Shetland Decree, JR, 11 (1939), 1; Shetland Court Book, 1602-4, passim.
  2. RPC, ix, 181.
  3. Robberstad, 'Udal Law' (unpublished article); Dobie, 'Udal Law', The Sources and Literature of Scots Law, Stair Society, 443-60; Drever, 'Udal Law', Encyclopaedia of the Law of Scotland, 321-336.
  4. Oppressions, 7, no. 17; 9, no.27.

north the question is rather more difficult, but there is reason to believe that private rights to wreck existed there.<sup>1</sup> Under Patrick much in the way of flotsam washed ashore went to the earl.<sup>2</sup> Where he derived these rights is not stated, but it seems almost certain that they stemmed from the lawbook. Prof. Donaldson states 'Wreck in the widest sense of the word was claimed as the perquisite of the King or of the Earl as his representative'. This is curious because if true it shows the earl as being in a position in relation to the king of Scots not dissimilar to that held by his Norse predecessors in relation to their lord in Norway; no other Scottish noble would have enjoyed to such an extent what was outside Orkney and Shetland the prerogative of the crown,

On one charge in which the defence of local practice cannot be used, that of disposing of the benefices of the country vacant at the king's gift and compelling beneficed men to set their benefices to him, the evidence is variable. Alexander Thomson, who was apparently struck by William Hume 'suddart' as he came down from the pulpit, though not mentioned in the Fasti, was vicar of Dunrossness from 1570 till 1574.<sup>3</sup> James Maxwell, also mentioned, was presumably the vicar of Stronsay who quitted the north about 1577 and was succeeded by William Henderson on 24 September 1578.<sup>4</sup> Of the benefices noted as examples - St Ola, Holm, Unst, Scatsta, Nesting and Walls - no

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1. Donaldson, Shetland Life under Earl Patrick, 54; Goudie, Antiquities of Shetland, 90.

2. Donaldson, Shetland Life under Earl Patrick, 55.

3. Reg. Pres., 1, 48, 104; RSS, vi, no. 2430.

4. Fasti, vii, 272.



evidence of anything untoward has yet been found for the last two years. Of the others, Holm, Unst and Delting (including Scatsta) had new incumbents during 1573-4;<sup>1</sup> the presentee to the vicarage of Delting, Olmafirth and Laxavoe, John Denoon (also referred to as John Kingsone or Kingstoun) was also James Maxwell's successor in the vicarage of Dunrossness. Ironically, however, the one of these definitely identifiable as a follower of Robert - James Hay of Unst - was presented to the benefice by due process on 31 October 1574, before the complaints.<sup>2</sup> Notable among the changes, however, were the replacement of Magnus Halcro of Brough as minister of Orphir in 1574 - almost certainly the year of his death and the same year as the demission by Alexander Thomson - by Thomas Stevenson, formerly at Firth and Stenness, and the translation of William Moodie from South Ronaldsay and Burray to Hoy and Graemsay. The latter was succeeded in his former charge by Alexander Dick who during his tenure 'abundantly dilapidated his benefice'.<sup>3</sup>

... in the year 1574 ... the ... of the islands

When Robert's interference with the old laws of the islands is examined, questions of right and wrong become perhaps easier to discern, but in the first of the allegations under this heading, the same confusion between Scots and Norse law is encountered. It was stated that Robert was guilty of 'inbringing of new laws and consuetudes, forgit of the laws of Norway, never received of before in Orkney, and abrogation of the auld laws and statutes of the realm'. (This ...)

... in revival of the old laws of the islands.

1. *Fasti*, vii, 217, 298, 306.

2. *RSS*, vi, no. 2727.

3. *Fasti*, vii, 229.

is a very odd statement, particularly in view of the examples given - the inbringing of Lawrence Carness, making laws 'in swyne roitting' and that 'sisters should not be lowsed of their heid bull'. It seems strange that Robert should be accused of introducing Norwegian laws to the north, and the phrase 'abrogation of the auld laws and statutes of the realm' seems meaningless in the context. It is possible that what is meant is the introducing of new law from the far side of the North Sea, but leaving aside the fact that this was not necessarily culpable since the Norwegian king's court had confirmed Shetland decisions as late as 1538<sup>1</sup> and had appointed a Shetland lawman in that year,<sup>2</sup> and this court would naturally have remained the superior court for consultation on matters of Norse Law, there seems no evidence to suggest that there had been any major new legislation in the parent country which could have been introduced to the islands. Moreover, 'abrogation of the auld laws' would seem to apply to those of Scotland rather than those of Orkney and Shetland, and the examples quoted make it plain that while there may indeed have been alteration to the native laws, there were no legal innovations.

Lawrence Carness is a shadowy figure, and so far as is known never practised as lawman, a post which in any case no longer existed in either archipelago. This is not to say that he was an invention; it seems quite possible that he did come from Denmark on legal business, either because the Danish crown decided to send him as a token of its renewed interest in revival of their claims on the islands,

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1. REO, 96, no. xliii.

2. Robberstad, 'Udal Law', 8.

or simply as part of the longstanding relationship between the legal systems of the two Norse lands. However, in the absence of further information, there is little more one can say.

The reference to 'swyne roitting' was to a development described in much greater detail in the complaints against Laurence Bruce. The reference places with Robert the ultimate blame for Bruce's alteration of the penalties imposed in Shetland (there is no evidence as to whether the law applied to Orkney) on the owners of swine that damaged a neighbour's land and crops. These penalties were raised considerably and imposed with little regard for whether or not swine had actually transgressed. The charge against Robert alleged that these impositions totalled 1500 dollars a year. However, this was an alteration to the existing law, albeit rapacious and reprehensible, rather than the introduction of a novelty.

The same would seem to apply to the obscurer reference to sisters and their 'heid bull'. Unlike some of the other allegations against Robert regarding the laws of Orkney and Shetland, there is no other reference to this charge in the complaints against Bruce, or indeed anywhere else. Mackenzie<sup>1</sup> quotes the inheritance provisions of the law book of Norway (presumably that of Magnus Lawmender) as stating that the 'heid bull' - the head farm or bu - was in the first instance the prerogative of the eldest son in the division of udal property; if there were no sons surviving then it went to the sons' sons in order, and only if there were none of these would it then go to an

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1. Mackenzie, Grievances, 8.



eldest daughter. Under what circumstances a woman in possession of a heid bull might be deprived of it is not stated, and the version of the law of the Gulathing contained in The Earliest Norwegian Laws is not helpful on this point.<sup>1</sup> There seems no doubt that Robert (or possibly Bruce) was seeking to alter the customary order of udal inheritance, though exactly why remains a mystery.

With the law regarding swine were several other provisions which were also to be found, in greater detail and with specific instances quoted, in the complaints against Robert's half-brother in Shetland. The first of these was an act that none should bring home boats to Shetland without his will.<sup>2</sup> In fact the allegations against Bruce were that he compelled those who brought boats and timber back from Norway to sell their purchases at a price fixed by an act whose authorship was not specified.<sup>3</sup> Both these allegations may refer to an attempt by Robert and Bruce to 'control' and profit from what was undoubtedly a brisk trade.<sup>4</sup> The Shetlanders who were fined, including Peter Nisbet and Henry Spence (mentioned in both documents), complained that no such act had been passed, or at any rate had not been intimated to them. The second was that of changing the weights of the bismar and pundlar by a fifth. The statement in the complaints against Robert regarding this is bald, but it receives the greatest amount of space of all the complaints against Bruce. Robert's 'compelling the dogger boats and other fishers of this realm to pay to him

1. Larson, Earliest Norwegian Laws; 108-19.

2. Oppressions, 7, no. 19.

3. Ibid., 66.

4. Fenton, The Northern Isles: Orkney and Shetland, 552-3.

great toll and taxis bye auld use and wont',<sup>1</sup> also found greater background detail in the Shetland complaints, as did his 'making and setting of new takkis and gerssumes to the poor lieges, and compelling them to pay to him great soums of money, far by the auld order of the country'.<sup>2</sup> A further accusation was that he had pronounced 'wrangus and false judgement and sentences against the King's Majesty's lieges.... and causing his deutes thereafter to reduce and retreat the same, as he did to Andrew Mowat, Mr Robert Chayene and Andrew Hawick of Skatsta'.<sup>3</sup> The alteration of the sentence in the example given was the result of a bribe given to him by Hawick of Scatsta. Hawick was certainly prominent in Shetland's submissions against Bruce, but oddly enough the Shetland complaints tend to lay little blame on Robert, stating that after the feuar had passed through the Shetland parishes holding courts (presumably during the visit of mid-1574) Bruce recalled cases which Robert had remitted and forgiven, retried them and reversed the verdicts - in fact the opposite of the allegation in the 1575 complaints.<sup>4</sup> Finally, Robert was alleged to have compelled assizemen to reach verdicts according to his pleasure, failing which he introduced his own household men and domestic servants to the assize. Attention has been drawn to examples of his followers serving on Orkney assizes, but the evidence gives us no more than this bare fact; again the most detailed instances of this come from the charges against Bruce.

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1. Oppressions, 4, no.4.

2. Ibid., 6, no. 11.

3. Ibid., 10, no. 33.

4. Ibid., 44.

With regard to the relationship between the Orkney and the Shetland complaints, one detail in the allegations against Robert is particularly curious. The charge of his oppressing the lieges by compelling them to furnish him with hospitality at their own expense was 'notoriously known and sall be preuen with the haill country'<sup>1</sup> (present writer's emphasis). This last phrase strongly suggests the highly distinctive form of mass testimony, used in the case of this as well as the other complaints, against Bruce in Shetland in 1577; there was no such procedure adopted against Robert so far as we know, only a simple compilation of charges, and it seems curious that the latter includes items highly reminiscent of accusations which the Shetlanders were not to make for over a year. However, according to their later allegations, the Shetlanders had already complained about Bruce to Robert, and it was even stated that Robert had 'of conscience' relieved Bruce of the Foudry of Shetland, on payment of 700 merks.<sup>2</sup> What may well have happened therefore is that these complaints found their way into the hands of Robert's accusers, and thus the list of charges against Robert was partly based on complaints by the Shetlanders of which those of 1577 were a reiteration. It is also the case that the 1575 complaints reserved 'special points' of oppression and other crimes which 'sall be very large, odious and fearful to be read', for such time as the particular complainers might be given free passage out of the islands; however, these protests, which again echo the 'particular complaints' of the Shetlanders, were aimed at Robert, and made no mention of Bruce.

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1. Oppressions, 5-6, no. 10.

2. Ibid., 88-9.



Two further charges relating to native laws remain to be noted. Robert took away 'suckin fra the auld vuthall mills of Orkney, quhilk were observit of before inviolate'.<sup>1</sup> This first charge is interesting, because it indicates a distinction between the position of mills in Orkney and in Shetland. In Shetland, the system seems to have been one of small-scale mills, individually owned;<sup>2</sup> in Orkney, the charge shows that already, before Robert, there were mills with 'suckens' or jurisdictions. In view of the general and substantiated charge that Robert was seeking superiority over the udal lands, one might have supposed that Robert was similarly seeking to introduce a Scottish style system of thirlage to the mill; but in fact it appears that he was rather taking to himself the right to dispoise already existing suckens.<sup>3</sup> The udal mills were presumably large mills serving udal estates - as in the case of James Irving of Sabay's mill.<sup>4</sup> Their monopolies seem to have been less rigid than their Scottish counterparts,<sup>5</sup> and their existence did not prohibit the building of individual mills - in fact although Fenton states definitely that udal mills had suckens, it seems from the evidence he cites that Irving of Sabay's mill monopoly was more a matter of circumstance than of law. However, Robert's crime may have been to attempt to usurp whatever rights the udal mills possessed and to attempt to assimilate them to the feudal arrangements which his testament suggests applied to mills on the earldom estates.

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1. Oppressions, 10, no. 32.

2. Goudie, Antiquities of Shetland, 247.

3. Fenton, The Northern Isles: Orkney and Shetland, 397; this volume also contains an estimate of the number of mills in Orkney at this time.

4. REO, 99, no. xlv.

5. Fenton, The Northern Isles: Orkney and Shetland, 397.

The second charge was that he 'gave licence to men to fight singular combats', the disputants in question being Ninian Dougall and Alexander Bewmond, George Wallace and William Cullen, Nichol Sinclair and Stephen [?], Gavin Elphinstone and Patrick Clark.<sup>1</sup> There are no further details and there are no precedents for such combats in the Northern Isles, at least from 1468, though one is tempted to wonder whether Robert derived this unlooked-for idea from the lawbook. It is just possible that the island form of the old Norse code may have retained in its provisions the old Scandinavian idea of holmganga, notwithstanding its absence from the parent law of the Gulathing and the fact that it was no longer practised in the islands,

The charges remaining to be considered give final credence to the view that whatever the legal confusion inherent in the complaints, whatever defences can be made of Robert's actions and whatever his responsibility for the misdeeds of his half-brother, his rule was extremely oppressive. He compelled the lieges of both archipelagoes to furnish him and a household of 120-140 with 'bankettis and gret cheers' (again a charge, outlined in more detail, against Bruce). He was said to have brought in 'Hieland men', traditional marauders in the area, to 'sorn, oppress and spuillzie' the country, especially the island of Graemsay, and prevented their pursuit on the grounds that they were his men. (It is not possible to identify these highlanders or the incidents which specifically affected Graemsay, but

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1. Oppressions, 9, no. 29.

it is perhaps significant that not long after this James Stewart, Robert's illegitimate son, appears as superior of the island. James is stated in the Scots Peerage<sup>1</sup> to be implicated in Robert's trafficking with the Danes, though there is no evidence of this in the Oppressions.) His promises to the burgh of Kirkwall on becoming provost went for nothing; he forbade the burgesses to buy skins, hide, butter, oil and other wares without his leave, and gave leave to others to exercise liberties that should have been limited to the burgesses. It was possibly at this time that, according to the later Provost Craigie writing in the mid-17th century, Robert 'on pretence of distraining for a private debt', seized the burgh's charter-chest and destroyed its contents.<sup>2</sup> He forbade ferries running without his passport, apparently making a special statute to this effect, and he forbade departure from the islands without permission, rendering complaint difficult if not impossible.

It is not among the aims of these presents to portray Robert as an evil genius, or as a man with any ideas greater than that of the acquisition of territories far away from the attentions of central government where he could pursue his selfish interests without interference. However, the Complaints do suggest that he was well aware of the unusual powers that the superiority of Orkney and Shetland gave him, both in the plenary jurisdiction given by the lawbook, and in the traditional freedoms of the former earls. This unusual constitutional position of the islands may account for the problems Robert's

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1. vi, 575.

2. Mackenzie, Grievances, 36.



accusers at court (as distinct from in the islands) had in finding charges against him regarding activities which could not be justified by local law. The fact however that they did object to the powers he exercised is noteworthy and adumbrates the future conflicts which were to be seen again in the 1580s and which would culminate in the final collapse of the Stewart earldom early in the following century. The thorny problem which rendered the charges against Robert so muddled in law was the same one which must have placed a question mark over the future of the Stewarts' rule throughout the half-century or so of its existence. As such it is a considerably more important question than that of whether Robert's rule was tyrannous or not, a question which must beyond all doubt be answered in the affirmative.

#### Four

ON 31 January 1576 the privy council, in accordance with the complaints that the islands of Orkney and Shetland were 'havelie troublit hereit and oppressit be cumpaneis of suddartis and utheris brokin men... dependaris upoun Lord Robert Stewart',<sup>1</sup> and also that the inhabitants were forbidden to leave the islands be sea or land, as the result of which they were 'abill to be allutirle wrakkit and hereit for evir', charged those now acting in Robert's name to cease from hindering traffic in and out of the islands.

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1. RPC, ii, 482-3.

A fortnight later, a further complainer was heard, Nicol Oliver-son, son of Oliver Rendall, udaller in Gairsay.<sup>1</sup> Nicol's father had died when he was an infant and he had been compelled, he said, to leave Orkney for Norway where he remained for forty years. He had returned some time previously (ironically because he understood that he could get better justice in Orkney than formerly) to pursue his father's heritage before Lord Robert Stewart, and had obtained decret against the alleged possessors of the lands. These, interestingly enough, were Magnus Halcro of Brough and his wife, and John Muirhead, to whom the latter had granted her lands about 1560.<sup>2</sup> Nevertheless, shortly afterwards, in Nicol's absence, Robert had entered one Isobel Brown in the lands; Oliverson stated that this was because Robert was trying to tempt him, as a 'strangeare wereit and beggarit in persute of his just heretage' into illegality by forcing him to steal the land. He would thus presumably have rendered himself liable to escheat. John Sharp, Robert's procurator, stated that an assize and precept of Robert's had possessed Oliverson of land in Gairsay previously held by his father, but that a second had found that by 'the law and practik observit within... Orknay in tymes past', he had no title, and that the lands pertained to Robert.

This is highly suggestive of an instance of the charge against Robert of pronouncing judgments and then causing his deputes thereafter to 'reduce and retreat the same'. Whether or not Robert's first

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1. RPC, 11, 488-9.

2. Prot. Hk. Gilbert Grote, 53.

judgment in Oliverson's favour was indeed 'wrangous and false' cannot really be judged, but what is interesting is that in the first instance the land was taken from its holders, persons with no love for Robert, in the second a further assize reversed the decision of its predecessor and the land was not returned to Magnus Halcro but granted to a third party. This affair therefore gives credence to the charges against Robert of controlling the assizes, of oppressing Magnus Halcro and others, and of finding excuses for escheating landholders.

On March 25 Alexander Hay wrote to Henry Killigrew 'As to the poor man's suit against my Lord Robert, the time were very proper if any would take the pains to come and pursue it, for my Lord Robert is still in Edinburgh Castle, and no great hope of his speedy delivery'.<sup>1</sup> Who the 'poor man' was is not disclosed; it is possible that it was Oliverson, but more likely the English merchant John Smith and his friends, who were ultimately to make their complaints eighteen months later. Oliverson's case came again before the lords on 4 April 1576 and judgment was found in his favour.<sup>2</sup>

Robert was to remain in Edinburgh Castle for two years until August 1577<sup>3</sup> and in Linlithgow from then until the beginning of the following year.<sup>4</sup> During this time power in Orkney appears to have rested in the hands of Patrick Menteith, who is described as 'capitane of Kirkwall in Orknay';<sup>5</sup> William Elphinstone is named as sheriff

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1. CSP Scot, v, 215.

2. RPC, ii, 517-8.

3. Ibid., ii, 622.

4. Ibid., 669-70.

5. TA, xiii, 136.



depute.<sup>1</sup> On June 26 Menteith and 29 followers allegedly slew one Adam Dickson, servitor of Edward Halcro (?brother of Magnus Halcro).<sup>2</sup> For this, they were summoned to Edinburgh in August to underlie the law in the tolbooth.<sup>3</sup> Elphinstone, who was named among those summoned, was put under obligation on 20 December 1576 to apprehend the criminals.<sup>4</sup> Shortly afterwards the escheats of Walter Bruce, Edward Tulloch in Widewall and William Gordon were granted to Henry Sinclair, son of Robert Sinclair of Ness, on account of this crime.<sup>5</sup>

At the same time, moves were afoot against Laurence Bruce of Culmalindie and his rule in Shetland. On November 1 the privy council took the decision to hear the Shetlanders' complaints against him and he was warded south of the Tay;<sup>6</sup> eight days later William Moodie of Breckness and William Henderson were commissioned to undertake the inquiry.<sup>7</sup> On 4 February 1577, at the Law Ting Holm in Tingwall Loch near Scalloway, they began taking depositions.<sup>8</sup>

The complaints against Bruce provide an extraordinarily detailed picture, not merely of vicious and arbitrary rule, but of the society which was compelled to suffer that rule - its customs, its law, its economy, its way of life. The document embodying these complaints is

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1. RPC, ii, 576.
  2. Ibid.; RSS, vii, nos. 794, 825.
  3. TA, xiii, 136.
  4. RPC, ii, 576.
  5. RSS, vii, nos. 794, 825.
  6. RPC, ii, 563.
  7. Ibid., ii, 616-8.
  8. Oppressions, 16.

itself a unique but surely characteristic product of Shetland law in action, and for once the relative obscurity regarding conditions in Shetland is lifted and the equivalent evidence for Orkney furnished by a handful of charters and court decrees made to seem sparse by comparison.

Popular feeling in Shetland was undoubtedly running high, and the commons turned out in great numbers to meet the commissioners and bear witness to the oppressions. On 4 and 5 February 110 men<sup>1</sup> from Tingwall, Whiteness and Weisdale came, on the 8th 29 men from Bressay and on succeeding days, 51 from Nesting and Lunnasting, 30 from Whalsay, 41 from Yell, 43 from Unst and so on, culminating on the 21st with over 120 from Dunrossness alone.<sup>2</sup>

There were several major areas of discontent. The greatest of these, to which more space was devoted in the document than any other, concerned the measurement of victual payments for skat and other dues. In time past, the responsibility for the public assessment of these had rested with the lawrightman, who had custody of the measuring instruments - the cuttle, for measuring the coarse cloth wadmel, the bismar, for weighing out butter and the can, for measuring oil - and who also carried out the actual assessment. Each parish presented their contribution to a coherent overall picture of abuse.

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1. Only five women have been identified among the whole assembly, all but one curiously enough with the same name: Gelis Kettill, Gelis of Brough, Gelis of Cowasetter, Gelis and Christian in Satir.
  2. Oppressions, 16-33.

In the first place, the lawrightman had in the case of most parishes been forcibly relieved of his duty of measuring the victual, and replaced by one of the Laird's own choosing or, in the case of Bressay, by an unwilling delegate who was compelled out of fear to measure at Bruce's orders. Nichol Hardwall, David Tulloch and Erling of Bu, lawrightmen respectively of Delting and Scatsta, Northmavine and Dunrossness, all made specific complaints that they were not allowed to discharge their duties.

The measuring itself was abused, both in the weights and measures used and in the lack of scruple with which it was carried out. In Tingwall, Whiteness and Weisdale 70 cuttles<sup>1</sup> were taken to the pack of wadmél instead of the customary 60; in Bressay the figure was said to be 75 cuttles. The measuring cuttles used were also defective. When Erling of Bu had brought 'cuttles of just measour' to the measuring he was forbidden to use them, and publicly broke them, calling upon the commons to witness his action. When individuals complained about the 'large and wrangus gripping of the hands that mett [the wadmél]', the laird's men 'wald giff thame ane straik on the hand with the cuttell to gar thaim lat it gang'. Another complaint elicited from Bruce the comment that the wadmél 'was na velvet'.

The bismar, the weighing device for butter payment, had been increased by one fifth, as had been already stated in the complaints

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1. The term cuttle is in this case used as a measure of length rather than as the name of the measuring instrument. As such a measure it was equivalent to a Scots ell.



against Robert. This meant that for every 12 lispunds weight taken of old, 15 were now exacted (sic). Erasmus of Kirkbuster, lawrightman of Bressay in the days when Ola Sinclair of Havera had been foud, stated that he had used a bismar made 30 years before by William Irving of Trondra with the consent of the commons. Bruce had refused to use this instrument and had had a new one made 'transmonting sax sewin, or aucht merkis mair, betuixt the wecht and the hand that weyit, nor that auld just bismeyre was'. Magnus Reid of Aith had compared the Laird's bismar with one used all his days by his father who had been lawman, and found it to be 8 merks (one third of a lispund) out; David Tulloch, lawrightman of Northmavine, stated that he had been fined 5 dollars for saying that it was 'evil done' that he should not be allowed to weigh the commons' dues and that unjust weights should be used.

In constructing his bismar, Bruce was said to have sought out the biggest 'that was amang the Duchemen' - the German merchant community - and had his made even bigger. The 'Dutch' weights and measures were themselves complained of, but it was affirmed by the men of the North Isles that this was due to greatly higher exactions which the merchants had had to pay Bruce since his entry. It had been the custom for a merchant's prices to be set by the foud and 'honest men', but the laird now set these for himself and had greatly increased the prices of 'Duchemen and strange gearis geir'. The prices of barrels of beer and of ryemeal bran had been increased by 25%.

The can for measuring oil had also been altered and the manner of its use perverted. In time past the capacity of the can should have

been  $\frac{1}{48}$  part of a 'Bramer [Bremen] barrel', and it should have been filled by being placed on level ground and oil poured into it to the level of two plugs set in the can's sides. Bruce's can was  $\frac{1}{34}-\frac{1}{36}$  of a barrel in capacity, without plugs, and was filled to overflowing while standing on a plank over the barrel so that the oil in the barrel was augmented by a cupful or more of overflow. The barrels had formerly been furnished by the fouds, or by the commons with recompense from the fouds. Now the commons were required by the laird to furnish the barrels without recompense.

At the same time, in the case of both merchants and commons, the victual/money exchange rates had been altered. The yopindale, a silver coin, had previously been worth 3 gudlings (a victual measure equivalent to six cuttles of wadmail) when paying arrears. Now it was worth only two gudlings, though the merchants would still give the old rate. Likewise the value of the angel noble, an English gold coin, had dropped from six gudlings to five. In Northmavine, Bruce had compelled the commons to pay 24 bawbees Scots for each gudling owing, the gudling never having been worth more than six bawbees before. Among the merchant community the equivalences of both victual and money had changed. A gudling had previously been equivalent to 8 cuttles of 'unblicht carrott'<sup>1</sup> but was now only worth six cuttles; the merk of copper, previously equal to two shillings, was now equal to four shillings. It might be possible to attempt a justification of these on the grounds that they compensated for

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1. Legge Larat (Larett): linen cloth (as opposed to the woollen wadmel), in this case unbleached.

inflation, but certain other evidence suggests that Bruce's chief aim was a simple amelioration of his income. He was said to have given the merchants 2 gudlings for a y~~er~~indale when selling, but demanded 3 gudlings for the coin when buying.

The second major theme running through the complaints was that of Bruce's maladministration of the native legal system. Courts were held at times which prevented the gathering of harvest, and Bruce's men were introduced into the assize. The Bressay men alleged that at the last lawting at Scalloway, scarcely half the assize was of countrymen, so that the latter could not make objection, though they did not agree with the assize's decreets. James Bruce, one of Cultmalindie's followers, was said to have sat on an assize the previous year while still unrelaxed at the horn. James Bruce was joined on these assizes by Henry Bruce and Thomas Boyne; the latter had been on the assize which tried the Southampton merchants in 1574, and was alleged in both sets of complaints to have murdered Patrick Windram, and also in the Shetlanders' testimony to have killed one Alexander Duff in Strathbogie. He was also stated, five years later, to have been implicated in yet another slaughter, that of one Mark Vondroum.<sup>1</sup> In Unst Boyne and Henry Bruce were actually permitted to sit on an assize case where they also acted as procurators. The particular example cited - involving the wife of Bartholomew Strang of Voesgarth - foreshadowed another which was to the subject of its own investigation some months later before the privy council in Edinburgh.

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1. RSS, viii, no. 37.



Boyne and Bruce also assisted the laird in the holding of Grandrie<sup>1</sup> courts each year instead of septennially according to use and wont. Such courts were usually initiated by private inquest, and Boyne and Bruce not only 'gave up the faults', but sat on the assize as well. John Smith, officer, William Magnusson in Beinsta and William Garrioch were fined six dollars for a 'tulzie' in the latter's house and were refused a copy of the decret against them despite paying 1½ yopindales for one. In addition to the unwonted frequency of the court, there were also complaints against summary conviction there, and of the dittay being taken up by Bruce's clerks instead of by a general inquest of honest men. It was also alleged that the reason why Bruce was so keen to use the Grandrie procedure so frequently was because of the powers given to him by that part of the procedure called sculdung. Here the whole population of a scattald might be put to probation on the report of one person in a case where a crime had been committed by a person unknown. Each member of the population was accordingly put to an acquittance, and on the laird's refusal of three such acquittances from one person, escheat would follow. No specific instance was cited, but notable among the complaints against Robert had been the allegation that Bruce's half-brother had fined Robert Wishart, Walter Hill, Magnus McCreath, Ola Cumla and Magnus Reid 'great composition' for the alleged 'resset' of Matthew Sinclair.<sup>2</sup> This may refer to the same activity.

Bruce's interference with Shetland law did not apply only to

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1. 'A septennial court to abate nuisances and punish local abuses', Oppressions, 126, also quoted by Jakobsen.
  2. Oppressions, 10, no. 31.

court procedure. His interpretation and changing of the laws themselves also caused considerable outcry. The law of swine-rooting, included also in the case against Robert, was particularly notable. 'Under pretence and cullour of nighbourhood', Bruce increased the penalty for allowing one's swine to damage a neighbour's land and crops to at least double its former value, from 40 bawbees to 3 yopindales, and charged this whether or not there was evidence or complaint, by virtue of an assize held by Thomas Boyne and 'strangers'. This penalty was levied on all swine-owners in Unst, Fetlar and Dunrossness; Yell avoided it by payment in advance of 32 dollars among its 11 scattalds; in Tingwall only Erasmus of Watbuster and Laurence of Hammersland kept swine, for which they had to pay a dollar between them. Delting, Scatsta, Burra, Trondra, Quarff, Gulberwick and Bressay all killed their swine except for Nicol Johnston of Congasetter in Bressay, who had a cow taken and sold, though his pigs had done no damage. Swine-rooting was also considered as a charge under the Grandrie procedure - contrary to law.

In the past a scattald (the equivalent of the Scottish commonty) paid 5 gudlings as a fine for 'breaking of nighbourheid'. Bruce however compelled every man in the scattald to pay this sum. He also awakened a case originally brought ten years before under Ola Sinclair of Havera, concerning the theft of sheep, and fined each household 5 gudlings, including heirs of some of the original parties, now deceased. He insisted on conducting the schownd (the inquiry for the purpose of dividing a deceased's estate) and raised the charge for this from 6 shillings to 1 ox of the best quality. He fined all, without respect of person or excuse, for non-compearance at the Lawting,

instead of merely the major landowners, and increased the fine from the 2 dollars of Ola Sinclair's time to three dollars and a gudling.

In addition to preventing the lawrightmen from carrying out their function in the measurement of victual, he compelled them to give more than their due in fulfilment of one of their duties, that of arranging transport for the laird and his servants. They and their parishioners were compelled to 'flit and fure' more often than the customary three times a year, over far greater distances, and often without payment. The men of Tingwall complained that they had had to transport the laird, his servants and goods 'ferdar be twelff myle of see, nor ever thai war wount in uther Fowdis tyme to do'. In Walls and Dressay complaint was made that parishioners failing to turn up with horse or boat were heavily fined even if there was sufficient transport there for Bruce's purposes.

Another familiar complaint was that of Bruce's abuse of what was probably an accepted right, that of local hospitality. He had arrived in Shetland with 15-16 men, and never travelled with less than a dozen, he made no payment for his or their bed and board and his reluctant hosts were compelled to make gifts to his master household, cook and steward; the goodwife and her servants got no access to their cellar during Bruce's stay. In Northmavine he billeted at the house of Margaret Reid of Brough (a notable figure in the complaints against Robert); when he and his men had drunk all her beer he compelled the transfer to her house from the dwelling of Thomas of Kirkabuster of a half-barrel of beer which the latter had been keeping for Thomas of Gounzefirth.



Besides the main complaints, there remained a massive catalogue of individual dissatisfactions, which together occupy a considerable portion of the document. Several of these were relatively minor, though undoubtedly vexatious to those involved: Nicholas Paterson of Crossbister in Fetlar and his friends complained that Bruce had taken a large piece of driftwood from them and fined them without due process; several persons had been fined for transgressing the act fixing the prices for imported boats and timber; a case of 30 years before, involving the mistaken marking of a lamb belonging to the vicar of Yell, was revived, and Henry Spence, whose servant had committed the error, was fined; Ola in Isleburgh was poinded for making oil from the liver of a basking shark, despite the fact that courts at Nesting had twice found him guiltless of any offence; Nicholas Paterson, seemingly a stout soul, had been warded and fined for stating to Henry Bruce that he, Bruce, cared more for 'gear' than for his own soul. Nicholas of Culzevo and Garth of Ulsta complained that they had been compelled to become joint underfouds of Yell for which they had to pay considerable sums. Nonetheless they had been prevented from exercising their office and refused the return of their fees. Edward of Odsta, in Fetlar, had sought to avoid the office of foud altogether, but had had to pay Bruce an ox in compensation to escape his anger.

There were perhaps three more important complaints in this miscellaneous group. Firstly the commons of Fetlar stated that they had been banned by law from inshore fishing in winter, their main livelihood while weather prevented them sailing deep-sea (why this had happened was not disclosed), and 12 boats and crews had been fined five gudlings

each for breaking this ban. Secondly (in the most detailed and best attested single instance of oppression in all the complaints against Bruce) Magnus Leslie of Aith in Bressay told of his eviction from his house with his wife, children and servants by a party of Bruce's followers under Thomas Boyne. Leslie's wife had given birth only 8 days previously. Boyne and his company - 15-16 soldiers - remained in Leslie's house for 9-10 days, wasting his entire meat, drink, fish, flesh, butter and cheese, after which they stripped the house so thoroughly that Leslie was forced to borrow necessaries from neighbours (the description of all the items removed constitutes the earliest detailed inventory of plenishings for either archipelago). To add insult to injury, Leslie was not permitted to return to his empty house until he had paid a 20 dollar fine, and was ejected from a three-year lease of a steading in Bressay which he had held (presumably through successive renewals) for the past 24 years.

Thirdly, Arthur Sinclair of Aith spoke of an incident which, by its nature and in view of the other complaints which he made at the same time, indicated the culmination of a feud between him and Bruce. Sinclair had been on a trip to Scotland. When he returned, an ambush was laid for him by Bruce's men when he was on his way to Scalloway Banks. He was informed of this, the ambush was scotched, and he made his way instead to Whiteness. There followed that night a search of the Whiteness district by the laird's men during which the houses of William Sinclair of Strome and Magnus How were investigated in a vain attempt to find Sinclair. Appended to this complaint was the testimony of 8 witnesses regarding various aspects of Sinclair's story.

The indictment of Bruce and his administration concluded with a

number of 'particular' complaints. Of special interest was an apparent attempt by Bruce to drum up some support within Shetland in the face of the dangerous problems that were facing his half-brother and now himself. After his last departure from Shetland, Robert Yule, his court clerk, had toured the islands seeking signatories to a testimonial whose tenor is not described, but which would seem to have been in Bruce's favour. Those who had signed this document were described as 'ruid, rusticall, ignorant and barbar peple' largely unable to read and write, who had been persuaded to sign 'partlie be feir and minacing, partlie be ignorance'. They were easily persuaded to rescind their subscription. This was not the only evidence that Bruce had attempted to preserve his position during the previous year. In the reports of hismar abuses, Tingwall, Whiteness and Weisdale (though not Bressay) stated that Bruce in 1575 had halved the amount of extra weight he had been taking in the previous years from 30 merks per lispund (24 merks was the customary amount) to 27 merks. Of his exaction of oxen and sheep it was reported that 'the Laird layde doune this last yeir, feirand giff he continewit in it that he would be complenit upon'. Bressay, Dunrossness and others concurred that he had not continued this levy in 1576. It seems likely that Bruce had become anxious in view of the fact that many of the charges aimed at Robert though quite possibly countenanced by him, were in fact more Bruce's immediate responsibility.

Finally, the whole commons of Shetland pleaded that in the light of their wrongs, of the length of time they had suffered without redress, their poverty and consequent inability to make the long journey to Edinburgh and its courts, they should have an act of parliament appoint-



ing commissioners to visit the islands every 4-5 years as need arose, with power to try and deprive if necessary all officers of whatever degree. This concluded a truly remarkable document, and an eloquent and convincing appeal against misrule. The Shetlanders had made what amounted to a desperate plea in defence of their way of life and sought the assistance of the government in Edinburgh in the preservation of it. It is unfortunate therefore that events in the capital were moving in a direction which would ensure that, beyond giving Bruce and his half-brother a fright and a temporary setback, the islanders' complaints would find little remedy.

## 5. ROBERT STEWART, EARL OF ORKNEY

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During 1577, as might be expected, Robert's fortunes were at a low ebb. In the last quarter of that year, an English memorandum on Scotland's nobility described him as being 'very poor and of no great judgment party or friendship'.<sup>1</sup> On August 21 Walsingham, in a letter to Morton, spoke of the 'great and good report' of the procurator for the Southampton merchants regarding the regent's 'honourable dealing' towards them; there was even mention of a commission by Morton compelling Robert to compear in Southampton to answer for his treatment of the merchants three years before.<sup>2</sup> This never came to anything, but on December 14 the case of Smith, Crook, Cartmyll, Demaresk and Holfurde was heard by the Scottish privy council.<sup>3</sup> It was continued until 15 April next, with commission to Jerome Cheyne and Gilbert Foulis to examine those who might know the truth of the matter.

Robert's 'poverty' at this time was presumably due, besides the weakness of his position in ward, to the demands Morton was making on him. There seems little doubt that Robert was making increasingly generous offers to the regent and to observers it must have seemed that liberty for Robert would come only with penury, if at all. The Historie of James the Sext speaks of 'the Erle (sic) with perpetuall making of offers, and the Regentis delaying answeris to caus him cum

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1. CSP Scot, v, 252.

2. Ibid., 236.

3. RPC, ii, 654-60.

heigher in pryce', and later states that 'the said Erle wald have gevin layrge compositions to Morton to have bene fred, and mair nor all that, he offerit his eldest sone in pledge for his relief, to have been mareit to ane kymniswoman of Mortons, gratis, without any tocher; but nayne of thir tua offeris war acceptit at that tyme'.<sup>1</sup>

Robert was, however, compelled to grant Morton an obligation for a sum in excess of 10,000 merks.<sup>2</sup>

Yet this was very much the worst that Robert was to suffer; already in 1577 there were signs that the tide was beginning to turn in favour of his cause. Within days of the completion of Henderson and Moodie's hearings in Shetland, his half-brother Laurence Bruce, the subject of the commissioners' damning investigations, was appointed to the office of admiral depute of Orkney and Shetland.<sup>3</sup> On April 24, William Henderson presented his and his fellow commissioner's findings<sup>4</sup> and six days later Bruce obliged himself to make just reckoning of his intromissions as foud and chamberlain; yet within a month he was in Shetland waters, arresting the English ship Marie Galland<sup>5</sup> and committing further oppression upon Bartholomew Strang of Voessgarth and his wife.<sup>6</sup>

In August, even at the time of the English report which pitched his fortunes so low, Robert was permitted to pass to ward in the more congenial surroundings of Linlithgow.<sup>7</sup>

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1. Historie of James the Sext, 182.
  2. RSS, viii, no. 297.
  3. RPC, ii, 595.
  4. Ibid., 616-8.
  5. Ibid., 630.
  6. Ibid., 648-9.
  7. Ibid., 622.



Morton's position was becoming noticeably weaker; Robert had by this time found the ear of the young king James and was using his opportunities to full advantage. It was during the course of 1577, according to Sir James Melville, that Morton was apprised of the dangers of his great unpopularity with those about the king. These, it was said, could not be bribed as their astute young master would be too quick to notice inconsistencies in their behaviour. Notable among the king's followers were James Stewart, son of Lord Ochiltree, and the Lord Robert.<sup>1</sup>

On October 14, at Linlithgow, Robert resumed his Orkney dealings in a contract with Alexander Stewart of Scotstounhill for the sale of the duties of Orkney and Shetland of crop 1577,<sup>2</sup> and on 30 January 1578 he registered a bond stating that he had been permitted to pass to Orkney and elsewhere, but undertaking to ward himself south of the South Esk at command.<sup>3</sup> On February 7 Patrick Bellenden was induced to conclude the agreement which Robert had long sought. In a contract of that date, Robert undertook to 'mentene fortifie and defend' Patrick in the peaceful enjoyment of his lands as a good lord and master, while Bellenden agreed to 'friendlie serve' Robert under pain of a fine of 6000 merks.<sup>4</sup>

Robert's progress back to freedom could not even be halted by the disclosure of further characteristic behaviour by Bruce in Shetland.

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1. Melville, Memoirs, 263-4.

2. Reg. Deeds, (1st series), xvi, 327.

3. RPC, ii, 669.

4. Acts and Decrees, lxxi, 229.

On 30 August 1577 Nicholas Salus and other owners of the English ship Marie Galland complained that Bruce had wrongously intromitted with the ship while she had been lawfully fishing in Shetland waters.<sup>1</sup> On November 5, Bartholomew Strang of Voessgarth laid several charges before the Council, namely that Bruce had compelled his wife to pay a duty called the bishop's umbois,<sup>2</sup> which he held in tack, 3 months before the correct term of payment while Strang was furth of the realm, probably in Norway; that Bruce had stopped him from going to Norway the previous August; and that Bruce had compelled him to ferry himself and 23 followers from Shetland to Dundee without payment.<sup>3</sup> Bruce offered no defence on the charge regarding the umbois or on the staying of Strang from going to Norway; he stated however that the transporting to Dundee had been willingly done. December 2 was set for the hearing of Strang's proof on the first charge and the following March 24 for Bruce's defences. However, of this case, as of that of the Southampton merchants, nothing further was heard.

Though granted permission to return north at the beginning of 1578, Robert did not re-appear there until nearly two years later, in November 1579.<sup>4</sup> For the moment he remained in the capital, enjoying considerable prestige. On 12 March 1579 he was present, for the first time in fifteen years, at a meeting of the privy council.<sup>5</sup> This

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1. RPC, ii, 630.

2. Usually known as umboth duties - the name given to the bishop of Orkney's Shetland revenues (Goudie, Antiquities of Shetland, 179-80).

3. RPC, ii, 648-9.

4. REO, 145, no. lxvii.

5. RPC, iii, 108.

meeting admittedly seems to have taken the form of a general convention of nobles, but a fortnight or so later Robert was again present at what appears to have been a normal meeting of the council.<sup>1</sup> In the summer he was involved in litigation before the council when John Stewart, constable of the castle of Stirling, was granted the escheat of Alexander Stewart of Scotstounhill, at the horn at Morton's instance for non-payment of 4000 merks which he owed Robert, presumably in connection with the payment for Orkney and Shetland produce.<sup>2</sup>

In the autumn he returned to Orkney for about a year, remaining until some time before September 1580.<sup>3</sup> He held court in November (All-hallow) in St Magnus,<sup>4</sup> in January (Harmanstein)<sup>5</sup> and February (Wappenstein) in the Yards,<sup>6</sup> and summoned a further court for March.<sup>7</sup> The surviving records of the first three courts concern a case between Henry Fraser and others and Magnus Sinclair in Skaili regarding land in Swartabreck and Hawell in Toab, St Andrews. They are of no especial interest with regard to Robert's administration, though it is noteworthy that Magnus Sinclair's son John married Mary Stewart, Robert's 'brother dochter', and that assizes of January and February both had in their number a new face, Rany Elphinstone, presumably a relative of Robert's through his mother, and a new follower. Details of the

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1. RPC, iii, 120.
  2. RSS, vii, no. 1988.
  3. CSP Scot, v, 512.
  4. REO, 145, no. lxvii.
  5. Ibid., 150, no. lxix.
  6. Ibid.
  7. Ibid., 153, no. lxx.



relationship between Mary and Robert Stewart are unknown, but one is tempted to wonder if the former was another daughter of Adam Stewart and a sister of Barbara, lady Halcro. On May 17 Magnus Sinclair resigned in Robert's hands his lands of Toab, St Andrews, and Brabster, Deerness, in favour of his son John and in fulfilment of the marriage contract.<sup>1</sup> Earlier the same month Robert had granted Rany Elphinstone a charter of land in Hammiger, Cairston.<sup>2</sup>

There are few other references to Robert's brief return to his lands. On 6 January 1580 he was charged to apprehend one Captain Clerk, who had been committing piracies on subjects of the king of Denmark and was said to have taken refuge in Shetland.<sup>3</sup> Some time in February he received royal letters of undisclosed import.<sup>4</sup> All this while, too, the Henderson brothers, William and Cuthbert, had been consolidating their own affairs in the islands. About June 1578 William had received land in Holland and Meil, North Ronaldsay;<sup>5</sup> now in July 1580 his brother Cuthbert was presented to the vicarage pensionary of Rousay, on the translation of its previous incumbent to Evie.<sup>6</sup>

On September 15, probably now south again, Robert was granted the escheat of Archibald Balfour of Westray, at the horn at the instance of Nicol Tulloch, vicar of Westray and Papa Westray, for non-fulfilment

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1. OSR, 196, no. 72.

2. RMS, vi, no. 1178.

3. RPC, iii, 255.

4. TA, xiii, 254.

5. Sheriff Thom Papers, SRO ref. GD.1/212/27.

6. RSS, vii, no. 2445.

of a contract.<sup>1</sup> This marked the beginning of a period of real success for Robert, punctuated by examples of increasing influence and marks of favour. On September 25, Sir Robert Bowes wrote to his masters Burghley and Walsingham saying that Morton, seemingly seeking to combat the fast-growing influence of Esme Stewart, earl of Lennox, had consulted Robert and summoned Robert's nephew, Francis, earl of Bothwell in an attempt to raise 'a party in the house of Stewart'.<sup>2</sup> This is an interesting and curious statement, since Lennox was of course a Stewart himself; it may be that Morton was hoping to weaken Lennox's position by splitting the Stewart family asunder. However, if true, this would seem to have been a forlorn hope. Nothing further was heard of it, and in any case Robert would seem to have been too close to the young king to contemplate any action that ran counter to the interests of the latter's favourite. Bowes wrote again on October 7 stating that it was Robert and others 'near about the king' that had furnished him with information regarding the king's marriage plans.<sup>3</sup> Nine days later, with the earl of Glencairn and the master of Mar, he was sworn a member of the privy council and was a fairly regular attender during the next two months.<sup>4</sup> At a council meeting on December 24 he was appointed keeper of the palace of Linlithgow.<sup>5</sup>

Morton was arrested on December 31. Some days before, at a hunt-

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1. RSS, vii, no. 2517.

2. CSP Scot, v, 512.

3. Ibid., 522.

4. Nov. 16 (RPC, iii, 328); Nov. 19 (Ibid., 329); Nov. 26 (Ibid., 333); Dec. 3 (Accs. Master of Wks., i, 310); Dec. 7 or before (Border Papers, i, 28); CSP Scot, v, 545); Dec. 14 (RPC, iii, 335).

5. RPC, iii, 337; RSS, vii, no. 2656.

ing party with the king, Robert and the commendator of Inchcolm informed the former regent (no doubt with pleasure) of his imminent apprehension.<sup>1</sup> Whether out of bravado or disbelief, Morton made light of this. On 2 January 1581 he was warded in Edinburgh, and Robert, notwithstanding the news he had borne in advance to the regent, was named as among Morton's chief antagonists.<sup>2</sup> (This tale-bearing - for such it seems - is reminiscent of Robert's alleged warning of Darnley as he lay at Kirk o' Field; on the other hand, the fact that Morton had only recently sought Robert's help against Lennox suggests that Robert had not allowed his hostility to Morton to appear too overt). On January 11, it was reported that 'friends of [his] principal enemies' - including Robert - would be in Edinburgh 'to resolve for progress in the case against Morton'.<sup>3</sup> One week later Morton was removed from the castle and taken across central Scotland to Dumbarton accompanied by a group of unfriends among whom Robert was prominent. When Morton protested that whereas he was willing to go wherever the king should choose to send him, nonetheless he wished to pass in safety, it was Robert (according to one report) who replied that he would be as safe as his own heart provided his own followers did not set upon the party. Whatever Morton's faults, the picture of Robert and his allies accompanying their humbled enemy on the long road from Edinburgh to Dumbarton is an unedifying one.<sup>4</sup>

While Morton's star declined, Robert continued in the life of a

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1. CSP Scot, v, 569.

2. Calderwood, History, iii, 483.

3. CSP Scot, v, 580.

4. Moysie, Memoirs, 29; Calderwood, History, iii, 484-5.



prominent courtier. He was again present at the privy council on January 5 and 9,<sup>1</sup> and he was an auditor of exchequer on the 7th.<sup>2</sup> On the 10th he had to appear before the council to produce his letters for the rendering of Linlithgow Palace in a case involving a former keeper, Capt. Andrew Lambie.<sup>3</sup> He continued to attend council meetings regularly from then until his departure for the west.<sup>4</sup> On January 16 his son Patrick was granted a charter of the priory of Whithorn, vacant on the death of Robert's brother, Robert secundus.<sup>5</sup> Robert was now the last survivor of the sons of James V.

By January 28 he had returned to Edinburgh, and subscribed the Negative Confession on that date.<sup>6</sup> Twelve days later it was reported in correspondence that the king was to travel from Edinburgh to Linlithgow in Robert's custody, though the writer, Thomas Randolph, stated in a postscript that the king had changed his mind; the reasons for the alteration were said to be either the circulation of rumours that James might be making for Dumbarton to see Morton, or because of 'speeches of Lady Robert [Stewart]'s kind entertainment of D'Aubigny'.<sup>7</sup> This last comment is quite obscure, but at least shows the continuation of Robert's friendship with the king and those about him. On February 22 Robert was present at a convention of nobles in the capital<sup>8</sup>

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1. RPC, iii, 339, 340.

2. ER, xxi, 120.

3. RPC, iii, 341.

4. Jan. 12 (RPC, iii, 342); 13 (Ibid., 344); 14 (Ibid., 348); 17 (Ibid.)

5. RMS, v, no. 314.

6. BUK, ii, 515-8.

7. CSP Scot, v, 629.

8. Ibid., 640.

and again at a council meeting on March 1.<sup>1</sup> On February 18 he had been appointed keeper of Blackness Castle,<sup>2</sup> and on March 4 he was again involved in action before the council when he sued Malcolm Douglas of Mains for the return of 'the great irne yett of the dungeoun' of Blackness Castle 'with the hingand lok and slotis of the same' and other items.<sup>3</sup> After some dispute the case was found for Robert on March 9.<sup>4</sup>

Morton remained in Dumbarton until May 20 when he was taken back to Edinburgh. During his trial, which took place on June 1, Robert was given a passing mention in connection with the major charge against the former regent - the rather curious one of responsibility for the death of King Henry fifteen years before - 'and [Morton] being accussit be the ministeris of the cryme, and quhatt knowlege he had thairin, he declairitt that Mr Archibald Douglas reweillit the same to him, the quhilk he wald reweill to the king; bot seing that Lord Robertt had gottin ane reward, he durst nocht reweill the same, and this wes all that he knew in that turne'.<sup>5</sup> Robert's 'reward' had been that Darnley had told the queen about the plot against his person 'which had near hand cost him [Robert] his life'.<sup>6</sup> Morton was executed the following day.

The great improvement in Robert's fortunes also benefited his

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1. RPC, iii, 361.

2. RSS, viii, no. 91.

3. RPC, iii, 363.

4. Ibid., 364.

5. Chronicles of the Kings of Scotland, 135.

6. Hunsdon to Walsingham, 8.6.1581 (CSP Scot, vi, 27-8).

family and servants. On 2 June 1581 Mary Stewart, Robert's eldest daughter, was granted the escheat of 10,000 merks, being the remainder of a larger sum for which her father had been compelled to grant the late regent a bond.<sup>1</sup> The previous February one William Elphinstone had been appointed a 'sewar' (honorary server at banquets) to the king;<sup>2</sup> he was not designated, but the fact that his fee was to be drawn from the surplus of Orkney teinds, and that on June 29 he was granted the escheat of the fruits of the subdeaconry of Orkney,<sup>3</sup> both suggest that he may well have been Robert's relative and servant of that name. Thomas Boyne, Bruce of Cultmalindie's sinister follower, was the subject of two rather puzzling references in the register of the privy seal; in one he was granted the escheat of his own goods, forfeit for not finding surety to underlie the law for the slaughter of Mark Vondroum in Shetland,<sup>4</sup> and this naturally sounds as though he was benefitting from his master's new-found favour. However a subsequent entry close by in the register grants his escheat to his son, Adam Boyne, for non-compearance in connection with the death of Patrick Windram, whose slaughter had been noted in both the Orkney and the Shetland complaints.<sup>5</sup>

On 28 August, Robert finally realised his ambition; he was created earl of Orkney, lord of Shetland, 'knight of Birsay' at Holyrood.<sup>6</sup> Two months later his heritable infeftment of 16 years before was confirmed<sup>7</sup> and a month after that parliament approved its elevation into

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1. RSS, viii, no. 297.

2. Ibid., 88.

3. Ibid., 373.

4. Ibid., 37.

5. Ibid., 40.

6. Moysie, Memoirs, 34.

7. RMS, v, no. 263.



an earldom and lordship; his judicial powers were strengthened by the addition of the justiciary jurisdiction which he had so recently been accused of usurping. The only provision whose terms sounded in any way like a reference to what had gone before was the specific reservation to the crown of the 'grite customes of gudis and merchandice transportit furth of this realme'.<sup>1</sup> Three weeks later, on December 5, he received a charter of the island of Cava.<sup>2</sup> This island was, and remains, a poor, intermittently inhabited hummock among the South Isles of Orkney; it had formerly pertained to the Black Friars of Inverness, and it seems likely that Robert's only interest in it can have been that it had of recent years been granted to William Halcro of Aikers,<sup>3</sup> a former supporter of the late Magnus Halcro of Brough and a man whom Robert had had no reason to love. Whether for this reason or another, William Halcro was soon brought into a previously unwonted obedience to the undisputed superior and earl of Orkney.

## Two

At the turn of the year 1582 Robert returned to his earldom. On March 4 he is found writing from Kirkwall the first of a number of extant letters to Sir Patrick Waus of Barnbarroch.<sup>4</sup> This noted councillor and courtier first appears in the records of Robert Stewart's

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1. APS, iii, 254-6.
  2. RMS, v, no. 309.
  3. 24 March 1576, (RSS, vii, no. 530).
  4. Barnbarroch Correspondence, 238.

life on 30 January 1578, when he stood caution for Robert at the time of his liberation from Linlithgow.<sup>1</sup> He was Robert's brother-in-law, being married to Jean Kennedy's sister Katherine, and his relationship with Robert during the last decade or so of the latter's life is reminiscent of that formerly enjoyed by Bellenden of Auchnoull. He had been appointed administrator of the priory of Whithorn during the minority of the commendator, Robert's son Patrick,<sup>2</sup> and he appears to have acted as Patrick's guardian;<sup>3</sup> it was on the subject of Patrick's education that the two men exchanged letters at this time.

Aside from this correspondence, with its details of Robert's family circumstances (amplified by later letters), evidence regarding Robert's first year back in Orkney is meagre - in the same way that there are few details regarding Robert's years in Orkney and Shetland following the excahbion of 1568. There is in fact only one direct reference to his activities for about eighteen months after his letter to Barnbarroch.

There are however a number of general allusions to his political attitudes. These are contradictory. An English memorandum of September 1582 pronounced him neutral in his attitude to the duke of Lennox,<sup>4</sup> whereas a letter from M. Castelnau to his master the king of France placed him with Lennox's party.<sup>5</sup> John Colvile, in writing

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1. RPC, ii, 669-70.

2. RSS, viii, no. 713.

3. Barnbarroch Correspondence, 373.

4. CSP Scot, vi, 159.

5. Papiers d'Etat, ii, 499.

to Walsingham, felt Robert to be among those favouring the English,<sup>1</sup> but perhaps the unknown author of An opinion of the present state, faction, religion and power of the nobility of Scotland came closest to the mark. He speaks of Robert's background, power and wealth and describes him as 'a man dissolute in lyef; lyttle sure to any faction; of small zeale in religion'.<sup>2</sup> It had been a decade and a half since any observer had been recorded as attempting to delineate Robert's character so directly but it seems that little had changed.

A single reference suggests that Robert was in Edinburgh at the end of 1582; on December 8 he subscribed the precept for the removal of Morton's head from the tolbooth there.<sup>3</sup> The supposition that he was in the capital is perhaps corroborated by the interest taken in his opinions by diplomatic observers, which suggests that he was to some degree politically active; he was not however present at council meetings or at any other known political gatherings, and his movements are again mysterious until he reappears in the north on 11 September 1583.

On that date, sitting in Birsay, he discharged any judge other than himself from hearing a case between William Irving and Magnus Paplay concerning their yards in the burgh of Kirkwall.<sup>4</sup> In December William Irving (of Sabay) again figured in Robert's courts; he had been escheated by decret of a justiciary court held in Linksness for

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1. 16 Mar. 1583, (CSP Scot., vi, 333.)

2. Bannatyne Club Misc., i, 56.

3. Records of the Burgh of Edinburgh, 1573-89, 262.

4. Irving of Midbrake Papers, SRO microf. ref. RH.4/35/388/41.



harbouring John Aitken, a notorious outlaw of long standing. He pleaded his relationship to Aitken by marriage as extenuation for his action and sought mercy on the grounds of his poverty.<sup>1</sup> Robert remitted his escheat in consideration of his 'good and thankful service'. The following month - January 1584 - Irving acted as procurator for Robert in an action before the earl's deputes.<sup>2</sup> Robert's opponents in this case were William Irving's own brothers, Magnus, Gilbert and Edward. They were charged by a summons at William's instance to 'warrant extend and renew the charteris evidentis and utheris wraitteis', granted by them to the earl in 1581, of the lands of Twinness, Messigar, the Garth and Carabreck.<sup>3</sup> Before Robert's own appointed justices - John Dishington, John Caverton, Patrick Menteith and David Scollay - they stated in answer to query that they had made their former grant willingly and uncompelled, and they were ordained to 'warrant, acquit and defend' Robert in the lands in all time coming. Since the existence of this case at all suggests that the Irving brothers were unwilling to furnish Robert with titles to the land (thus implying that they had not readily granted it) these were strange proceedings. It seems certain that Magnus, Gilbert and Edward Irving were unable to pursue their case in a court so strongly controlled by the earl. Magnus and Gilbert were to make strong representations to the king three years later regarding Robert's behaviour towards them,<sup>4</sup> but their brother William, Robert's creature, was granted these lands<sup>5</sup> from

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1. Irvine of Midbrake Papers, SRO microf. ref. RH.4/35/388/32.

2. REO, 155, no. lxxi.

3. Ibid.; this was not the only land granted to Robert by the Irvings - Magnus and Gilbert Irving had granted him land in Sabay in which he was infeft 9 Sept. 1581 (REO, 303, no. clxxxvi).

4. Oppressions, 95-8.

5. Clouston, History of Orkney, 303.

which they were unable to evict him until 1594, after Robert's death.<sup>1</sup> William was in addition strengthened in his tenure of the lands of Sabay by a court of perambulation which confirmed certain rights to peat-cutting and seaweed which he had taken upon himself.<sup>2</sup> Of an assize of 23 men, only eight were named in the decree, a group whose names read like a list of Robert's men; in addition to Dishington, Scollay and Caverton, there were William Gordon of Cairston, Laurence Bruce of Cultmalindie, William Halcro of Aikers (of whom more later) and making his first appearance in the records, Robert's own natural son, James Stewart of Graemsay.

The proceedings against the Irvings were only the beginning of what appears to have been a concerted campaign against the udal proprietors of Orkney, in which the process of escheating or otherwise wresting land from its owners and granting it to a relative of those owners seems to have been a point of policy. In March 1584 Magnus Sinclair of Toab (the 'Magnus Sinclair of Skaill' previously noted)\* was escheated for 'succeeding in his fatheris vyce for steiling and grippind (sic) the kingis landis and for with halding of certane outbrakis brokin furth upoun the kingis balk'.<sup>3</sup> His lands in Brabister, Havell and Swartabreck were granted to his daughter-in-law Mary, Robert's 'cousing'. Another and highly significant instance, where a member of an udal family stood to gain from the oppression of the rest, concerns the Halcros. Robert and his chamberlain, John

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1. REO, 157n.

2. Ibid., 157, no. lxxii.

3. Ibid., 304, no. clxxxvii.

\* See p. 197.



Dishington, obtained letters against Janet and Katherine Halcro, nieces of Magnus Halcro of Brough, and Henry Halcro of that ilk, his nephew, for arrears of landmails owed by the late Magnus.<sup>1</sup> These arrears had previously been sought from Margaret Sinclair, Magnus's relict, but attention had been transferred to his heirs and it was intended to apprise the lands of Brough. Representations were made by Rany Elphinstone and Roland Hamilton, the women's husbands, and by William Halcro of Aikers, regarding their rights in the said lands. Judgment was found for the earl by an assize which, quite improperly, had Halcro of Aikers, an interested party, as its chancellor.<sup>2</sup> He, previously a follower of Magnus Halcro and opponent of Robert, had now seemingly changed his allegiance, and his right to part of the lands of Brough was, not surprisingly, guaranteed; from the year 1584 onwards he was to appear in occasional service to Robert.

This case marked the complete submergence of the Halcros of Brough, and it is interesting that Robert's aim of acquiring their lands seems to have overridden all other considerations. One might have expected Rany Elphinstone, for example, to have received better treatment, or Henry Halcro, whose wife was Robert's niece; however, although the account of the case states that the apprised lands of Brough were offered back to their former owners in exchange for the sums for which they were apprised, they were not present in court and the lands became Robert's personal property.

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1. REO, 160, no. lxxiii.

2. Storer Clouston also suspects that this assize consisted in some measure of Robert's own servants - REO, 164-5n.



1584 was, in Storer Clouston's word, Robert's 'vintage' year for oppression of Orkney landowners, but 1585 saw further similar cases. On 19 January Robert granted a charter to Jerome Tulloch, subchanter of Orkney, of land in Quholm, Bowbreck and Garson in the parish of Stromness, confiscated 'for criminal causes' done by Oliver Sinclair, heir to Alexander, last possessor of the lands.<sup>1</sup> On February 20 land in Stromness pertaining to the heirs of James and Henry Halcro was appraised for unknown reasons.<sup>2</sup> Nor were these the only moves against the Orkney landed; the re-grants to udallers of previously confiscated land by Robert in September 1587,<sup>3</sup> and the complaints of Magnus and Gilbert Irving in December the same year point to considerable further oppression. Gilbert complained of ejection from 9d land in Deerness and Holm, including Deldale, Brecks, Midhouse, Hurtiso and Occlester, and both rehearsed the familiar charges of removal of goods, compelling transport without payment, closing of ferries to prevent the carrying south of complaints, and the stripping of plenishings from the houses of successful escapees from the islands.

However, besides the evidence that both these latter documents yield regarding Robert's overbearing attitude to the independent landholders of the north, both are at the same time signs that by 1587 there had occurred yet another down-turn in Robert's career, stemming again from changes at court (though this was the first time for several years that court affairs had affected Robert, or seemingly compelled him

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1. REO, 305-6, no. clxxxviii.

2. Ibid., 165, no. lxxiv.

3. Ibid., 311, no. cxci and n.; Orkney and Shetland Papers, SRO ref. RH.9/15/76.

to take notice of them), as well as a revised opinion of his uncle on the part of the young king. The first sign of this came on 30 August 1586 when M. Courcelles, the French ambassador, wrote to his countryman M. d'Aisneval following a long conversation with one of Robert's servants.<sup>1</sup> Courcelles had been told that 3-4 weeks before, a group of Englishmen had descended upon the island of 'Chetland in Orkenay' and carried away goods to the value of £30,000 Scots. Robert's man was indignant that despite this, and despite his allegation that the English had spoken slightly of the king - calling him 'Jaquet', their pensioner - he had been unable to get satisfaction from the council. The latter had sent him away, telling him to 'inform himself particularly of those who had committed the disorder', and stating that the country's policy towards England could not be disturbed for the single reason of the ill-usage of his master.

In view of this evasive and unsatisfactory reply, it was the intention of Robert's representative to repeat his complaint to the king in person. Courcelles was of the opinion, however, that he was unlikely to receive any greater satisfaction from King James than he had previously had from the council, since it was said that the king 'does not much like the... Earl of Orkney, saying that he only serves his own ends'. There were no doubt several reasons for the king's opinion. Robert's untrustworthiness had already been summed up in the English description 'lyttle sure to any faction'.

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1. Unnamed; the best candidates are probably John Caverton or John Dishington, but it is not possible to be certain, (CSP Scot, viii, 638-9).

He was described by an English memorandum as a 'malcontent' (though to be fair so also was the greater part of the Scottish nobility). His own behaviour towards the English was not exemplary and showed that he was still engaged in some of the activities which had been held against him in 1575. It was complained that on 14 March 1585 the John of Hull had been spoiled by Mounce Heneson, a Dane, and 'one Knightson, a Scottishman'. The ship was then taken to Orkney and kept there by Robert. The ship, worth £140, was ultimately restored to its owners, but the cargo, worth £2420, was retained.<sup>1</sup> The name Knightson is one which will be encountered again. In view of this incident, it is hardly likely that the king would look favourably on Robert's requests for recompense or for at least the tactful ignoring of reprisals. Nor would his opinion have been rendered happier by Courcelles's impression that the earl intended to proceed with revenge on the English regardless of the answers he might receive from the authorities in Edinburgh. Moreover, at this time the king was involved in delicate matters in which the ambiguous constitutional position of Orkney and Shetland loomed larger than he would have liked.

Negotiations had begun with Denmark in 1585 for James's marriage with the princess Anne, and continued throughout this period, though they did not bear fruit until 1589, when the parallel negotiations on a French marriage were abandoned.<sup>2</sup> From the outset, the Danes had mounted their biggest diplomatic initiative on the subject of Orkney

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1. 'Spoils committed by the Scots upon the English since 1581', (CSP Scot, ix, 516).

2. Willson, James VI and I, 85-7.



and Shetland for many years. Danish ambassadors were sent in June 1585, accompanied by Nicholas Theophilus, a doctor of laws, who treated the king to a trenchant discourse on the whole question.<sup>1</sup> This seemingly academic Danish approach may have been calculated to be of special appeal to James, and it certainly must have caused the king to consider critically the whole question of arrangements in the Northern Isles. In 1586, James's old tutor, Peter Young, was sent to Denmark, and seems to have satisfied the Danish king on various points, but Courcelles stated that the Danish king pretended 'yf he match not one of his daughteres with the Scottishe kinge, to retire the Orcades'.<sup>2</sup> Six months later Courcelles wrote to his king saying that the seeking of favour with the king of Denmark was as much concerned with holding on to Orkney and Shetland as with marriage.<sup>3</sup> Robert, curiously enough, was reported by Courcelles to have rendered some assistance in Young's voyage to Denmark, since he was granted 2000 crowns in connection with it, but, significantly, the king had made it known that he had not wanted this gift to be made and stated that it was done as a 'charity of the secretary'.<sup>4</sup>

In 1587, there began a full-scale attempt to deprive Robert of his lands. The chief instigators were John Maitland of Thirlestane, the chancellor, and Sir Lewis Bellenden of Auchnoull, justice clerk and son of the late Sir John. Maurice Lee gives as the immediate

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1. Goudie, Antiquities of Shetland, 220-1.
  2. Courcelles's Negotiations in Scotland, 9.
  3. Ibid., 57-8.
  4. CSP Scot, viii, 639.

reason for their campaign Robert's oppressive rule in the islands,<sup>1</sup> but again, as in the case of Morton's prosecution of the previous decade, the motives of Robert's opponents were not unmixed. The king's standpoint has been noted, and we may perhaps date from this time a desire to see the Stewart earldom and lordship in the north abolished once and for all, regardless of the character of the earl himself. Also, as Lee in fact points out, Bellenden was far more active in the affair than Maitland, who seems simply to have lent moral support (he was the secretary who had rewarded Robert, and since he preferred the French marriage to the Danish,<sup>2</sup> was presumably lukewarm, at least at this time, to the whole Danish adventure). Bellenden's motives, as one might perhaps have expected, were not wholly pure. On 20 April 1587 he wrote to Archibald Douglas, the Scottish ambassador to England, concerning a tack of the subdean of Orkney which the latter had apparently granted to Bellenden's uncle, Sir Patrick Bellenden, during the king's minority. Sir Patrick had been 'secluded altogether' from this tack, and had sustained 'such damage as the whole of the benefice might be worth'; his nephew therefore hoped that Douglas would subscribe and seal a new tack to Sir Patrick.<sup>3</sup> This question of the subdeanery was indeed one of the long-standing causes of enmity between Robert and Patrick Bellenden, being touched on, albeit obscurely, in Robert and William Henderson's first letters from Orkney in 1567-8. In addition, Sir Lewis himself may have had personal interest in the islands; as

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1. Lee, John Maitland of Thirlestane, 160

2. Willson, James VI and I, 85.

3. Salisbury Papers (HMC), iii, 247.

4. See p. 107.

early as 10 June 1569 Robert had expressed fear at the possibility that Sir John Bellenden had infest his son in the lands of Birsay.<sup>1</sup>

Notwithstanding the king's opinion and the moves by Bellenden, Robert appears to have come south in the spring or early summer of 1587 with every confidence. On July 17 he was one of the nobles who bore the honours to parliament.<sup>2</sup> Sixteen days later, however, his troubles began; the question of presentations, already raised in the complaints of 1575, was explored in a parliamentary statement 'anent the benefices presentit be the erle of Orkney'. Robert was stated to have taken upon himself to dispoone the provostry, chancellor, archdeaconry, chantory and other benefices as a result of a general clause in his infestment concerning patronage. Despite the fact that a privy seal confirmation in 1581 of a gift by Robert to Thomas Gunn of the stallary of the Orkney treasurership had described him as 'undoutit patroun of the kirkis, chaiplenreis and benefices foundit and erectit within' the king's and bishop's lands of Orkney,<sup>3</sup> it was decided that the earl had not and never had had any right of patronage over the benefices.<sup>4</sup> This was just the beginning, however; on August 15, in an attempt to wrest his whole possessions from him, the lands of the earldom of Orkney and lordship of Shetland were granted to Bellenden and Maitland.<sup>5</sup>

Within a month, on 4 September, Robert already seemed to be

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1. Roxburghe Muniments, see app. 7, no. 12.
  2. CSP Scot, ix, 452.
  3. RSS, vii, no. 155.
  4. APS, iii, 489.
  5. RMS, v, no. 1354.



making some amends for his past activities in search of support in the islands. On that date several grants were made to 'gentlemen, udallers' of 'uthall landis, quoylandis, and utheris heritages as wes evictit fra thame be his Lordships courtis of perambulationis and ogangis [inspections of boundaries] haldin thereupoun', subject only to a check by commissioners (including Halcro, Dishington, Bruce and Groat of Tankerness - practically a list of the members of some of the original perambulations) that the udal marches were not set to the detriment of king's or bishop's land. Three such re-grants survive: to James and John Germiston, of land in Germiston, Stenness;<sup>1</sup> to James Corrigall elder and younger, of land in Corston, Harray;<sup>2</sup> and to Magnus Beg, Alexander Sutherland, Magnus and Thomas Davidson, of lands unspecified.<sup>3</sup> Storer Clouston interpreted these documents as evidence illustrating 'very clearly Robert Stewart's policy of converting the free and independent odallers into vassals holding their land in return for "dutiful and true service"'.<sup>\*</sup> However, these grants, all of the same date, in exactly the same terms and all extracted from sheriff and regality court book of Orkney, are unique. There is no other surviving evidence of udal land regranted in this way. All of the other escheats of which we have knowledge were disposed either to a relative of the previous owner,<sup>4</sup> or to someone with no previous traceable connections with the property at all.<sup>5</sup> And if we look for a reason for this

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1. REO, 311, no. cxlii.

2. Storer Clouston Papers, Orkney Archive ref. D.23, no. 159.

3. Morton Papers, SRO ref. GD.150/1650.

4. See e.g. 1-3.4.74 (OSR, 193, no. 70); 20.1.92 (Scarth of Breckness Muniments, SRO ref. GD.217/567).

5. See e.g. 6.74 (OSR, 195, no. 71); 20.8.91 (Craven Bequest, SRO ref. GD.106/81).

\* REO, 313.

exceptional proceeding, it seems more than coincidence to find that Robert was in trouble at the time, and that there are no further examples of differing date to back up the view that these papers illustrate a general policy. It is true that the day after these documents were drawn up, September 5, William Irving of Sabay - again receiving favour from Robert - was infeft in land in Grotsetter, St Ola, evicted from its former owners by decret of perambulation, the precept emanating from Bruce and Patrick Menteith; however, the instrument followed on a charter by Robert (undated, as seems very common in Orkney), which was probably dated before the earl's troubles began.<sup>1</sup>

These grants to the udallers are the first evidence of Robert's whereabouts after his departure south in July, but the inference would appear to be that in view of his reverses he had returned fairly rapidly to Orkney, making plans to resist the threats to his power. In the face of these he sought, and found, one particularly puissant ally - his own nephew Francis Stewart, earl of Bothwell. On September 22, the English diplomat Robert Carvill stated that Maitland and Bellenden were preparing three ships at Leith under the overall command of Patrick Bellenden who had undertaken to 'fetch' Robert from his dominions. Robert in his turn had sent money to Bothwell to provide him with three ships which were at that moment being fitted out at Dundee with the intention of sending them north well-manned

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1. Miscellaneous [Orkney] Papers, Orkney Archive ref. D.8/3/1.



and appointed 'under color of wafting the fishermen from pyrates'.<sup>1</sup> On the same date Richard Douglas wrote to his relative, the ambassador Archibald Douglas, noting the rift which was now developing between Bothwell and Maitland over the latter's part in the moves against Robert.<sup>2</sup> Robert in addition sought support in other quarters. He wrote on 12 October to Barnbarroch regarding the 'hasert and danger I stand into be the proceedingis usit aganis me in this last parliament'. He understood that 'sindrie undir cullorit freindschipe and bluide intendit forder to truble and unquiet myne estait', and therefore sought Waus's help in making 'appoyntment' with the chancellor and justice clerk, an arrangement which the master of Caithness was apparently trying to prevent. He had also sought the assistance of his own son-in-law, Lord Lindores, husband of his daughter Jean.<sup>3</sup>

On December 16 a royal commission to try Robert, 'lait erle of Orkney', was granted to the chancellor, the justice clerk and to Sir Patrick Bellenden, 'directed in the first instance' to the former two.<sup>4</sup> This was stated to be in response to the complaint by Magnus and Gilbert Irving mentioned earlier. Robert, it was stated, in addition to wresting large tracts of land from these two, had stripped and demolished 18 houses, carrying away goods to the value of 400 merks; he had removed (12 years before) eight barrels of oil from Gilbert Irving's house worth £13.16.8d each and he owed Gilbert £150 for the freight of 1000 deals brought by him to Orkney from Norway.

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1. CSP Scot, ix, 485-6.
  2. Salisbury Papers, (HMC), iii, 282.
  3. Barnbarroch Correspondence, 410.
  4. Oppressions, 95-8.



Gilbert, in the face of refusal of redress and the stopping of the ferries, had been compelled to brave the perils of the Pentland Firth in December in a small fishing boat in order to make representations in the south; on his departure Robert had taken all his plenishings, goods, corn and cattle and put his children to beggary. Charged with his father to find caution and surety was Robert's illegitimate son (possibly his favourite of all his sons) James Stewart of Graemsay.

It was possibly at this time too, that, by whatever means, the king's attention was drawn to a supposedly treasonable inscription which Robert had had placed on a wall of his palace. Robertus Steuartus filius naturalis Jacobi 5ti Rex Scottorum hoc aedificium instruxit,<sup>1</sup> the text ran; while its literal meaning does suggest that Robert might just possibly have thought of himself as king of Scots, this seems rather far-fetched and it appears more likely that its form can be attributed to bad Latin. However, according to Brand, the king was displeased, and it seems reasonable to suppose that Robert's botched inscription and its possible meaning was simply one more cause of irritation to his nephew (whom one might have expected to have little sympathy with botched Latin at any time). This irritation perhaps made him the more willing to pursue an active policy against Robert through Maitland and Bellenden.

In his endeavours to seek allies, Robert was compelled to adopt a more and more overtly political stance - namely to side with the

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1. Brand, A Brief Description of Orkney, Zetland, etc., 31.

Chancellor's opponents, the pro-Spanish faction at court. In November 1586 he had been stated to be neutral on the question of whether Scotland should support England or France and to have been 'neutral in religion and parts before'.<sup>1</sup> A month later Don Bernardino de Mendoza, the Spanish ambassador, numbered him among those friendly to his country.<sup>2</sup> Now he was forced into open alliance with leading pro-Spaniards. His buying of help from Bothwell was followed on 30 December 1587 by his subscribing, in Kirkwall, of a bond of friendship with the earl of Huntly<sup>3</sup> in which he pledged himself to 'mentein, fortifie and assist' Huntly and his house against all opponents except the king.

At the same time, there is evidence regarding Patrick, Robert's son - by now master of Orkney on the mysterious death of his elder brother Henry - which suggests that the earl was not the only member of his family to suffer from the antagonism of Maitland and Bellenden, and that that antagonism (as far as Bellenden was concerned at least) sprang from motives more personal than the desire to right the wrongs of Orcadian landholders. Patrick Stewart's servant, Andrew Martin, wrote to an unknown addressee (probably Barnbarroch) on 11 September 1587 stating that Lord Fleming had, through the agency of Maitland as secretary, obtained an act of re-possession of the priory of Whithorn with which he now intended to intromit.<sup>4</sup> Martin sought his addressee's good offices in the matter. There had indeed been a long-

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1. CSP Scot, ix, 169.

2. Papiers d'Etat, iii, 524-5.

3. Gordon Castle Muniments, SRO ref. GD.44/13/7/30.

4. Barnbarroch Correspondence, 405.

standing dispute regarding possession of the priory of Whithorn,<sup>1</sup> but Martin understood that Fleming's father's title, upon which his son's claim was based, had been declared null by the lords and the last possessor, Patrick's uncle, Robert secundus, had been declared to have full title.

Patrick was thought by Martin to be returning to Orkney about Michaelmas (September 29) 'to remane at hame for keipinge the cuntrie'. On December 12, however, he was in Edinburgh, writing to his foster-father Barnbarroch.<sup>2</sup> In view of the fact that Maitland and Bellenden's persecution of Robert Stewart extended to his son and his lands at the opposite end of Scotland from the earldom of Orkney, it is scarcely any wonder that Patrick spoke of the chancellor and the justice clerk pursuing his father's life 'to the utter exterminacioune of our raice; and that but regaird to my bluid, my rycht, my freindschip and null offence committit be me athir aganis his maiestie or [the justice clerk]'. In view of this 'manifest and inexpectit wrang' (for which he blamed Bellenden without mention of Maitland) and in view of the reported preparations for sending a military force to Orkney, he therefore sought Barnbarroch's advice as a 'speciall' friend regarding which course he ought to follow 'as I have done the lyk to all my honourabill friendis'. He looked for an answer as he perceived 'they intend no delay in thair entirprise'.

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1. G. Donaldson, 'The Bishops and Priors of Whithorn', TDGNHAS, xxvii (1948-9), 147.

2. Barnbarroch Correspondence, 411.



At first sight his perception would seem to have been correct. Richard Douglas, seeking a letter from the justice clerk which he wished to despatch to Archibald Douglas, waited in vain for three days, Bellenden being incommunicado 'for he is so busily occupied with sending away men to Orkney with his uncle that he cannot get time as yet to write'.<sup>1</sup> In the meantime the comptroller's accounts for Martinmas 1587 and Whitsunday 1588 contained full details of feu duties, grassum and 'entres silver' for Orkney and Shetland in the name of Maitland and Bellenden.<sup>2</sup> However, even at this juncture, when Robert seemed in the greatest danger, one observer at least saw the beginning of opposition to the royal officials' plans. A letter to Walsingham of 1 January 1588, author unknown, related the plan for the expedition under Patrick Bellenden but noted 'the Chancellor and the Justice Clark rules all still as they please, but sudden will be their fall in my opinion, for they run a course even now will help them to it'. Though no-one was yet 'angry' with the plan against Robert 'it will breed a farther matter if they prevail, for the King is very well minded they should have the same'.<sup>3</sup> Though a trifle obscure, this last sentence suggests that the writer foresaw 'anger' in the matter, presumably from the direction of Bothwell, which would be in direct opposition to the wishes of the king. The king's wishes are noteworthy; what we may see here is the first manifestation of a determination to end the Stewart earldom and re-annex the islands to the crown.

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1. Salisbury Papers, (HMC), iii, 300.

2. ER, xxi, 325-6, 358, 390-1, 407-8.

3. CSP Scot, ix, 532.

On 21 March 1588 Robert granted a bond of maintenance to William, Edward and Oliver Sinclair, sons of Sir Patrick Bellenden's wife, Katherine Kennedy, by her first marriage to Henry Sinclair of Evie (the Henry Sinclair of Strome, later of Brough, encountered earlier);<sup>1</sup> this was ostensibly due to the damage which the Sinclairs' patrimony had sustained at Sir Patrick's hands during their minority. It was Robert's only recorded measure against Sir Patrick at this time, but it was significant enough. Henry Sinclair was never, so far as is known, designated 'of Evie' in his lifetime, and Patrick had obtained a feu of lands in Evie on 19 April 1565 from bishop Bothwell. By that date Henry Sinclair had been dead for two years and despite the fact that Patrick had acquired the land with the acquiescence both of the bishop and of Patrick's own brother, Henry Sinclair's erstwhile patron, Robert seems to have been contending, as justification for the occupation of Patrick Bellenden's lands, that they had in fact been Henry Sinclair's and had been reft from Sinclair's heirs.

By now, however, the whole situation was changing. The letter to Walsingham of 1 January 1588 was in fact the last reference to the proposed expedition to wrest the Northern Isles from earl Robert. It certainly never set sail. On April 11, before a Convention of Estates, the provost of Lincluden and others 'of the wiser sort' succeeded in reconciling Bothwell with the chancellor and the justice clerk. The points of difference between these men were several, but

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1. Irvine of Midbrake Papers, SRO microf. ref. RH.4/35/388/41.

noteworthy was the statement that Bothwell's enmity towards Bellenden 'proceeded from my lord Robert's cause for Orkney...'<sup>1</sup> After this meeting the danger was past. A letter of May 23 from the laird of Garlies to Patrick, master of Orkney, discussed arrears of the priory of Whithorn without reference to the recent threat to Patrick's title,<sup>2</sup> and Mary Stewart, Robert's daughter and wife of the master of Gray, wrote to Barnbarroch on May 27 stating that her father was intending to go to Shetland to pick up his rents.<sup>3</sup> Obviously the earl no longer felt it necessary to remain in Orkney to 'keep the country'. The affair was not quite over yet, however. In December 1588 it was reported that the disappointed justice clerk had fallen out with the chancellor and his English friends and was 'discording' about Orkney.<sup>4</sup> Moreover, Robert does not appear to have escaped without making some placatory moves. On 24 June 1589, he granted Lewis Bellenden a charter of the lands of Evie he had denied to Sir Patrick;<sup>5</sup> and it may be of significance that Robert's daughter, Elizabeth was married, at an unknown date, to John Sinclair of Murkle, younger son of the master of Caithness who had been acting against the earl of Orkney during his troubles.

The only explicit reward which Robert granted his nephew Bothwell for restoring his quietness was to make him his heir in default of his own legitimate issue. This was, as Maurice Lee points out, little enough, as he had at least four lawful sons

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1. Salisbury Papers, (HMC), iii, 317-8.
  2. Barnbarroch Correspondence, 419-20.
  3. Ibid., 420.
  4. Fowler to Walsingham, CSP Scot, ix, 655.
  5. Roxburgh Muniments.



alive.<sup>1</sup> However, events in the remaining years of Robert's life were to show that his dealings with Bothwell were far from over.

### Three

Evidence for Robert's movements during and after the crisis with Maitland and Bellenden is restricted to isolated references, but it is possible to build up some kind of picture of his activities. After September 1587, his two recorded visits south appear to have been relatively brief. He was apparently in Edinburgh in the spring of 1589, when he subscribed an Orkney charter at the Canongate,<sup>2</sup> and in December 1590, he and his son were reported to be departing from the capital. Though now well into his fifties, the earl appears still to have been fairly vigorous, as on his return north from Edinburgh in 1589 he was soon on his way to Shetland, being there in the summer of that year. During both these journeys Patrick acted as 'administrator guydar and governour for him'. On 18 May 1589, acting in this capacity, he granted a charter to Michael Balfour of Montquhany of the isles and lands of North Fara.<sup>3</sup> Robert himself actually signed this document, but it shows that Patrick was now beginning to take over some responsibility from his father, and on July 24 he wrote a letter to Barnbarroch which indicated that his father was by this time in Shetland and that he, Patrick, was looking after earldom affairs in Orkney.<sup>4</sup>

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1. Lee, Maitland of Thirlestane, 160n.

2. Craven Bequest, SRO ref. GD.106/338.

3. Orkney and Shetland Papers, SRO ref. RH.9/15/264.

4. Barnbarroch Correspondence, 429.

From the spring of 1588, however, there occurs only a handful of references to Robert's movements, and none which throw much light on his motives. On 29 August 1588 he granted a charter to Jerome Tulloch, chantor of Orkney, of land in Quholm, Stromness, and the charter was sealed there,<sup>1</sup> (this deed is noteworthy in that the land involved had been escheated for 'thift', showing that Robert's former policies were continuing). A month or so later, at Kirkwall, he granted a disposition to Magnus Louttit of Lyking of land in Sandwick.<sup>2</sup> However, a largely chronological tracing of Robert's doings becomes less appropriate at this point than an examination of the different aspects of his activities against the background of momentous events in which Orkney and Shetland were to play a role of some importance. During such an examination the general nature of Robert's behaviour should become considerably illuminated.

There is little evidence that Robert interested himself in political affairs outside Orkney and Shetland, whether in Scotland or abroad, except in response to definite pressure from outside. His overtures to Denmark in the 1570s have been noted and related to the then growing menace of Morton. Presently his foreign affairs in the 1580s will be explored. His chief external activity in relatively peaceful times would seem to have been piracy, or at least the sponsoring of pirates. Besides the earlier exploits of Edmund Blackadder and his henchmen, there were, in 1588, further illustrative examples. On 12 November a merchant from Emden, Johan Hendrickson,

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1. REO, 314, no. cxciv.

2. Ibid., no. cxcv.

complained to the privy council that on the previous July 1, while travelling from Danzig to Bremen with rye and other wares, he had been intercepted off Norway by a ship with a Scottish crew led by George Peterson, a Fleming. Hendrickson's craft had been taken to Orkney, where all its goods were sold, and he stated that it was intended to dispose of the ship which still lay 'at the bak of the toun of Kirkwall'.<sup>1</sup> Robert was represented in the court proceedings by John Caverton, and Bothwell appeared for his own interest as admiral of Scotland. Peterson pled in justification that, being Flemish, he was a subject of the king of Spain, and he held a letter of marque to apprehend ships from the Low Countries, then in revolt against Spain. Hendrickson's counsel, Capt. Robert Arnot, stated that the letters of marque should not have been used against his client, who was a subject of the Graf of Emden, who remained friendly to the king of Spain. The lords resolved to remit the matter to 'proper judges'. Bothwell and Robert were ordered to return the ship to Hendrickson within 10 days. Hendrickson had in turn found caution in the admiralty court books to make the ship available to all having right thereto. If, as seems likely, the 'proper judges' were those of the admiralty court, whose records for the period are no longer extant, it explains why unfortunately no further evidence is available to us regarding the case.

On 9 July 1588, just eight days after the attack on Hendrickson, it was reported that one of Robert's ships - later named as the Phoenix - had been brought into port by 'some of Enchuissen' (?Enk-

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1. RPC, iv, 331.



huizen, on the Zuider Zee) in men o' war that guarded the Dutch herring fleet. It was said that the ship had fought with 'an Englishman'.<sup>1</sup> A fortnight later it was stated that the most part of seventy-two men were to suffer death for piracy, the ship being suspected of many piracies.<sup>2</sup> King James demanded restitution and satisfaction and threatened reprisals. In November Bothwell obtained interest in the ship from Robert and pursued the matter further, demanding back both ship and furniture.<sup>3</sup> For whatever reason, the final outcome, as in the case of Hendrickson, is obscure.

Robert was not the only Scottish noble with interest in freebooting in the North Sea; indeed he appears not to have been the only one to sponsor George Peterson. On 8 March 1589 Asheby wrote to Walsingham suggesting the stationing of a man o' war for the purpose of intercepting Peterson and an accomplice, Haggerston, who in addition to having in their possession a letter of marque from the Prince of Parma, commander of the Spanish forces in the Low Countries, were said to be countenanced by Bothwell.<sup>4</sup> On June 16 the same year Asheby wrote that Peterson had been taken and was in prison in Edinburgh.<sup>5</sup>

During the same period, Orkneymen continued themselves to be

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1. Killigrew to Burghley, CSP Foreign, xxii, 20.

2. Ibid., 68.

3. Salisbury Papers (HMC), iii, 373.

4. CSP Scot, ix, 706.

5. Ibid., x, 105.

the victims of pirates, notably English ones, and on 12 March 1588 a complaint was made that the Orkney ship Elizabeth had been spoiled by one Captain Vaughan.<sup>1</sup> It was of course a complaint regarding piracy and the unsatisfactory answer it had received from king and council that had been the ostensible motive for the approach by Robert's servant to Courcelles in 1586, and we return to this interview in beginning an investigation into another theme of Robert's life at this time, one in which piracy was later to play a considerable part - his dealings with foreign powers. In 1586 Courcelles had related to d'Aisneval - in such detail as to suggest that what had happened had been unusual - that Robert's representative had been at pains to emphasise the affection which Robert bore towards France 'with many expressions full of the good will that he bears to the service of his majesty'. He even drew to Courcelles's attention the fact that Robert was a pensioner of the king of France 'although it was a long time since he had received anything' - presumably a reference to the earl's youthful days in France with his sister. Courcelles gained the impression that this avowal of regard for France and her king was one of the main reasons for the whole long discussion. Exactly why Robert was making these overtures is unfortunately not disclosed. It seems possible that he already foresaw trouble in his declining stock at court as the influence of his son-in-law, the master of Gray,<sup>2</sup> was giving way to that of Maitland, and he was therefore seeking support from representatives of one of the major countries with which Scottish foreign policy chiefly concerned itself. Robert subsequently wrote from Kirkwall on 12 October 1586

1. CSP Scot, ix, 546.

2. Lee, Maitland of Thirlestane, 108-9.

to M. du Pré, a servitor of the king of France, thanking him for the goodwill shown to his servant, the bearer of the letter, who would retail 'my intention touching some affairs which I have with your master the King of France'.<sup>1</sup> The outcome of Robert's intrigues is unknown, and notwithstanding the fact that the affair appears to have been handled with considerably greater discretion than his previous dealings with Denmark, it seems likely that nothing very decisive occurred.

Of far greater importance was Robert's contact, through his new allies, Huntly, Bothwell and others, with Spain, or at least with the activities of the Spanish faction. This connection led Robert and his followers into the affair which more than any other single episode, gives dramatic colour to the closing years of the earl's life.

During the aftermath of the coming of the Armada and its defeat by the English, Robert made no move that we know of. Fleeing Spanish ships were first sighted off Orkney on 10 August 1588<sup>2</sup> and from then until the end of September rumours flew about a possible Spanish landing in the islands;<sup>3</sup> it does not, however, appear that there was any substance to this 'brute'. It seems more likely that Spanish to-ing and fro-ing around the islands was occasioned more by the necessity of running before the appalling weather than by any

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1. CSP Scot, ix, 98.

2. Ibid., 600.

3. Ibid., 602, 612; CSP Spanish, iv, 415, 425.



intention of landing in the area. When at last a gravely damaged Spanish ship anchored, and then sank, in Fair Isle, Robert kept his peace. The ship was El Gran Grifon, flagship of the Spanish store and transport fleet. After a miserable month of starvation and cold on the island, Admiral Juan Gomez de Medina and his men were rescued by Andrew Sinclair of Quendale and Andrew Umphray of Berrie, the latter of whom ferried the survivors to Anstruther.<sup>1</sup> The Stewart earls' interest in the ship did not take active form until nearly a decade later, when Patrick Stewart, by then earl, concluded a contract with William Irving to raise its ordnance.<sup>2</sup>

There is, in fact, no evidence regarding Robert's pro-Spanish activities until a year or so later, in mid-1589 - he was not, for example, implicated in the letters written by various members of the Scottish nobility to the Duke of Parma in 1589.<sup>3</sup> To examine his involvement when it does come to light it is necessary to investigate an incident which had its beginning on 5 January 1590. On that date a Spanish galleass dropped anchor off Whithorn, causing, in the uneasy aftermath of the coming of the Armada, much speculation and wonder in government circles. As Sir Richard Wigmore wrote to his colleague William Asheby, 'the arryvall of this baable... did greatly perplex the honestest and wonderfully distracted the dowtfull'.<sup>4</sup> The king being absent in Norway seeking the hand of Princess Anne of

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1. For details of this whole episode, see Manson, 'The Fair Isle Armada Shipwreck', The Scottish Tradition, 121-131.
  2. Irvine of Midbrake Papers, SRO microf. ref RH.4/388/35/32.
  3. Lee, Maitland of Thirlestane, 181-2.
  4. CSP Scot, x, 242.

Denmark, it was the council, composed of counter-weighted groups from both pro-Spanish and pro-English factions, who despatched commissioners - including Sir Patrick Waus of Barnbarroch - to conduct investigations and bring the captain and pilot to Edinburgh, under bond, for questioning. The primary intention of the interviews with the captain, Don Alvarez de Merida, and the pilot, Scotsman John Colville, was naturally to find out the ship's intentions in visiting Scottish waters. In fact the council never received a wholly satisfactory answer to this question, but in the course of the inquiry, a number of other interesting facts emerged.<sup>1</sup>

It was not the ship's first visit to Scotland. The previous summer of 1589, she had made for Dunkirk to rescue sailors stranded after the failure of the Spanish fleet. Thence her crew had taken her north to the Isle of May where they had enjoyed a day's hospitality from the laird of Barns, a follower of Bothwell, then to Orkney where they lay some time in Cairston Roads. On departure, they were caught by bad weather and, after running before the storm, they made landfall in Shetland, where they were 'weill interteynit' by Robert, who was in Shetland for the time, presumably on one of his periodic money-gathering visits. They had then made their way home down Scotland's west coast.

The ship's visit to Shetland, and its cordial reception there, is significant, because at about the same time, on 22 June 1589, Patrick Stewart wrote anxiously from Kirkwall to Sir Patrick Waus.

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1. Cunningham of Caprington Muniments, SRO ref. GD.149/265, ii, ff. 1-8.

The cause of his concern was the arrest in Edinburgh of George Paterson, the errant Fleming, in possession of a letter from earl Robert to the Prince of Parma. This letter, he said, might 'carrie sum Inconvenient and preiudice to my lord and me In cais the samen wer not prevented be dealegente foirsycht'.<sup>1</sup> He said that the story of this letter mystified him, and that he found it 'uncredabill', but he asked Barnbarroch to find out more about it. Nothing more is known of this letter or its contents, but it is significant that at this time Robert's ally Bothwell was also known to be in communication with Parma.<sup>2</sup>

After Patrick's letter, there is no further evidence of Robert's involvement in Bothwell's schemes until the following year, by which time it appears that relations were not as benign as they might have been. In February 1590 an unknown writer gave Walsingham the interesting information that Bothwell, in addition to other intrigues with Huntly and the Spaniards, was mounting an expedition, involving 360 men and 2 ships, to take Orkney with the intention of ensuring safe harbours for the Spanish 'in case they shall be dryven to come upon that coast as before they did'.<sup>3</sup> This suggests dissension between Bothwell and Robert, for reasons unknown. Possibly Bothwell had been irked by some manifestation of Robert's noted untrustworthiness, the fact that he had as yet shown him no very notable sign of gratitude for assisting him in his troubles - perhaps Robert was attempting to extricate himself from too deep an involvement with

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1. Barnbarroch Correspondence, 433.

2. Lee, Maitland of Thirlestane, 182-3, 210.

3. CSP Scot, x, 842.



the pro-Spaniards. Whatever the reasons, Bothwell's threat to come north may well be a major factor in explaining the part played by the earl of Orkney in the events which followed the arrest of the Spanish ship in 1590.

Despite the fact that the council could establish no sinister motives on the part of the Spanish ship, and in spite of the bond under which the captain and pilot had been brought to Edinburgh, Merida and Colville were imprisoned for entering the realm in a ship of war, refusing to surrender themselves to trial without condition and making fortification within the realm without permission.<sup>1</sup> Bothwell was for a time denied the custody of the ship and men to which he was entitled as admiral, out of distrust for his intentions regarding them, though he ultimately received control of them, much to the annoyance of the English ambassador, Robert Bowes.<sup>2</sup> Colville the pilot escaped briefly, and the ship departed from Whithorn, but, lacking supplies and other necessities, she surrendered again after sailing round to the east coast.<sup>3</sup> On March 4 the king had sent strict instructions against any member of the council assisting the ship,<sup>4</sup> and on the 29th Colville, by then re-captured, was sent to Denmark to explain himself to the monarch.<sup>5</sup>

For some time the ship remained in Leith and interest in it

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1. RPC, iv, 830.
  2. CSP Scot, x, 840.
  3. Ibid., 259-60.
  4. Ibid., 245.
  5. Ibid., 263.

waned. Attention shifted rather to the exploits of English pirates who were particularly active in their attacks on Scottish shipping at this time. Bowes was approached with special reference to the behaviour of a Captain Gwynn who, equipped with a double fly-boat, a barque and a pinnace, was 'chasing all Scottish ships between Lynn and Shetland'.<sup>1</sup> He had attacked 3 Kirkcaldy ships and 6 or 8 others unknown and behaved with considerable brutality, but he achieved particular notoriety early in June 1590 when he attacked and robbed Patrick Stewart, master of Orkney.

Three weeks or so after this last incident, the 'Spanish barque' put to sea again. The favoured explanation for her liberation was that unnamed allies of Robert earl of Orkney were helping him to seek recompense for the robbery committed on his son<sup>2</sup> though it is also true that commercial interests were dubious about actions against Spaniards which might harm their activities in Spain.<sup>3</sup> Certainly Robert was reported to be exacting his own revenge at the expense of English fishing vessels in Shetland.<sup>4</sup> The Spaniards sailed south. On June 22, off Hartlepool, they attacked no fewer than six small English coasting vessels. Three they left 'fleete emptie on the sea', the other three, the John and John Collingwood of Lynn and the John Sheringham of Clay were taken to Anstruther where the Spaniards arrived on June 26.<sup>5</sup>

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1. CSP Scot, x, 322.

2. Ibid, 336.

3. Ibid., 390

4. Ibid., 336.

5. Ibid., 335, 345.

Here they spent some time negotiating with the Englishmen for their ransom. Shortly they fell into a dispute with the townsfolk of Anstruther in which one of their men was captured and two English boys rescued from their clutches. They took reprisals by executing some of the seamen, and by battening down the hatches on the John Collingwood's crew and firing the ship, keeping the townsfolk at bay with muskets.<sup>1</sup> The same day they hoisted sail and departed, taking with them an accompanying fly-boat commanded by one Captain Rig and a brother of the laird of Barns, and the two remaining English ships. Of these, the John had as its pilot George Peterson, who had been released from prison shortly before (to the irritation of the English ambassador); the John Sheringham had on board 'one Knightson of Pittenweem' - certainly the Knightson who had been complained of by the English five years before for piracy involving Robert, who indeed owned property in Pittenweem,<sup>2</sup> but who was to make his home in the north, serve as steward for Robert's son<sup>3</sup> and die there in 1622.<sup>4</sup>

They left Anstruther on 27 June. Their movements were for a time confused but already it was thought that their most likely destination was Orkney.<sup>5</sup> By July 11 they were known to be in Kirkwall, with 25 prisoners.<sup>6</sup> While the authorities in Edinburgh sought fruitlessly for a solution to what was now more of a domestic embarrassment than a cause for political alarm, the Spaniards were being well

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1. CSP Scot, x, 346.

2. Pittenweem Writs, SRO ref. GD.62/158; RSS, v, no. 1669.

3. Donaldson, Shetland Life under Earl Patrick, 66.

4. Orkney Tests., SRO ref. CC.17/2/1.

5. CSP Scot, x, 346.

6. Ibid., 353.



treated. They were, it was said, being 'feasted... greatly' by Robert,<sup>1</sup> but they were not idle. On July 19, with William Stewart, one of Robert's illegitimate sons, aboard, they attacked four English fishing vessels off Fair Isle and took them to Kirkwall.<sup>2</sup> They gave the Jesus of Scarborough to the earl in exchange for four cannon, the Old Elizabeth of Shields to an unnamed person in Kirkwall and the 'ship of Yarmouth pertayning to Wedow Harrison there', to the 'Captaine of Kirkwaie'. The John Litster of Newcastle was redeemed by Gilbert Foulis, archdeacon of Orkney, for £50 at the request of her master. At the same time, negotiations proceeded on the fate of the Lynn cargo vessel the John, which was sold to James Dickson, one of Robert's servants.<sup>3</sup>

Robert Bowes in the meantime made strenuous efforts to seek relief for his countrymen in the north, with little success. Thomas Gray in the Lyons Whelp, who had recently brought captured pirate ships into the Forth, undertook to make for Orkney, but, perhaps wary of the Spaniards' reputation, sailed to Berwick instead.<sup>4</sup> Bowes approached Maitland, who had 'great interest in the Earl of Orkney', to see if he would influence Robert to apprehend the Spaniards. Maitland undertook to approach the king with a view to promising Robert that he would be allowed to keep the islands if he would stay the Spaniards and their Scottish followers in Kirkwall.<sup>5</sup> This answer is

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1. CSP Scot, x, 364.

2. Ibid., 394, 396.

3. Ibid., 395.

4. Ibid., 364.

5. Ibid.

interesting insofar as it indicates that the dispute between Robert, Maitland and Bellenden remained unresolved, officially at least, but from Bowes's point of view it was a wholly empty promise. By the time real help seemed on the point of materialising - in the form of a warship and pinnace under the command of John Winter, a servant of the English queen - news had already reached Edinburgh of the Spanish barque's departure from the Northern Isles.<sup>1</sup>

Bowes's representatives, sent into Orkney, kept him in contact with the Spaniards' activities there. On July 24 they had been engaged in selling corn, the cargo of one of the English merchantmen.<sup>2</sup> It was said that they intended to massacre their prisoners but had been prevented from doing so by the Scotsmen in their company;<sup>3</sup> by mid-August, however, Bowes had heard that they had killed twelve of the Englishmen and reserved the rest for slavery. The Scots had also failed to prevent them burning some of the English dogger-boats with both men and unsold fish aboard.<sup>4</sup>

When the Spaniards finally left Orkney early in September, they apparently had three ships well fitted out, and had as pilots George Peterson and William Stewart, Robert's son.<sup>5</sup> The latter seemingly acted as pilot as far as the Western Isles, where at his own request he was put on board a Scottish ship bound for Leith. A spurious

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1. CSP Scot, x, 397.

2. Ibid., 369.

3. Ibid., 369-70.

4. Ibid., 381.

5. Ibid., 394, 399.

report in Edinburgh suggested that the Spaniards had returned to Orkney, but Bowes later received triple confirmation of their departure, from John Calendar whom he had sent north to investigate, from John Caverton who had apparently been sent specifically to Bowes by Robert, and from Jean Kennedy, Robert's countess.<sup>1</sup> The further history of the ship does not concern us here, though there is evidence that it was intercepted by English ships not far from its home port of Corunna and taken back to England.<sup>2</sup>

After the departure of the Spaniards, little more was heard of Robert's dealings with the Spanish faction, though there were again reports of Bothwell's intention to go to Orkney. On 9 March 1591 Bowes reported to Burghley that Robert's nephew was said to be going north to exercise his office of admiral 'looking to draw... his uncle to profitable composition, or otherwise to take hold of some of his possessions in that isle'.<sup>3</sup> Later the same year Bothwell himself told Mary Stewart, Lady Lindores, that he intended to visit her father in Orkney, and there was a general rumour, which reached the ears of the king, that he proposed to take the 'castle and island' in order to 'pleasure' the king of Spain. The king was said to have sent a force against Bothwell, under the Master of Glamis. The enterprise was, however, one 'which sundry think to have been to small effect or danger', Bothwell being thought much too weak to attempt such an adventure.<sup>4</sup>

1. CSP Scot., x, 397.

2. Ibid., 434, 436.

3. Ibid., 482.

4. Ibid., 590-1.



On 4 April 1592, as a probable result of Bowes's representations to the king,<sup>1</sup> Robert was charged not to give shelter to Spanish pirates reported to be entering Scottish waters bent on attacking English shipping.<sup>2</sup> On September 14 it was alleged that he was among those friendly to rebels in the pay of Spain,<sup>3</sup> but by this late date there is no longer any evidence that Robert was in any way personally involved with Spain or her supporters.

#### Four

At the same time as the Spanish barque's depredations were causing concern in Edinburgh, Berwick and Kirkwall, another old source of dispute, dormant for twenty years, came to life again. On 16 June 1590 Adam Bothwell, bishop of Orkney, obtained letters of horning against Robert, stating that the latter had in no way fulfilled his part of the contract of excambion of September 1568, especially the conditions that he would pay the accustomed duty for the upholding of the kirk, school and the palace of the yards; that he would pay the bishop a pension of £1000 per annum; and that he would meet the cost from his Orkney income of any of the pension from the Holyrood thirds which might be 'evicted' from his children, recipients thereof.<sup>4</sup> As a result of Robert's refusal to honour his obligations, Bothwell was considerably in debt, and his liabilities were listed.

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1. CSP Scot, x, 665.

2. RPC, iv, 739.

3. CSP Domestic, (1591-4), 270.

4. Orkney and Shetland Papers, SRO ref. RH.9/15/102.

In light of previous dealings between Robert and the bishop, the preceptual part of the letters had a familiar ring; Robert was charged to fulfil the contract by proclamation at Edinburgh, the Canongate and Leith - proclamation in Orkney was specifically excluded because 'thair is na officer that dar pas in thais pairtis of Orkney for geving of ony chairges to him or ony lettres... seing he ather takis thame and detenis thame captive or utherwayis causis thame to be retenit in the cuntrie and evil handlit and sufferis thame not to retorne againe lyk as he hes detenit as yit John Adie our messinger... sua that thair dar na uther pas thair for feir of thair lyfe'.

Bothwell, seeking relief for money demanded from Holyrood for royal ambassadors to Denmark, had sent John Adie (Adesoun) to Orkney in July 1589<sup>1</sup> with letters of horning. Robert offered him £1300 in cash; when Adie stated that he had no power to receive money or thereby suspend horning, Robert's procurator demanded redress against him for any further denunciations 'besyde the puneissment of his awin persoun'.

Further letters were put to execution on four occasions between June and September 1590, the first being in presence of Patrick Stewart and his mother. Finally on October 27 Robert was denounced rebel. This did not, however, interrupt the final return to legality of his supremacy in the north. On 11 March 1591 he received a regrant of his lands in Orkney and Shetland.<sup>2</sup> The charter, interestingly, was to Robert in liferent and to Patrick in fee, evidence perhaps that Robert was beginning to feel his years. Perhaps more significant however, was the fact that the charter made mention of his rights of patronage, and that its

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1. Prot. Bk. Thomas Auchinleck, SRO ref. NP.1/36, f.19v.

2. APS, iii, 589-90.

ratification, passed by parliament just over a year later, found that the right of patronage of benefices pertained to him ' and that na uthar hes haid nor sall pretend richt thairto nochtwithstanding of quhatsumevir act statute or constitution made in this present parliament or any of his hienes revocations... or at any [tyme] heir-tofoir... This was a complete overturning of the case against Robert with which Maitland and Bellenden had opened their campaign in 1587. Incidentally, the term 'foudrie' was not repeated in the document; Shetland courts had been referred to as 'sheriff' courts as early as 1572,<sup>1</sup> but this was the first explicit recognition of the supplanting of the old Norse term.

Perhaps in recognition of his new power, Patrick Stewart, master of Orkney, now came to be styled lord of Shetland, and as such granted land in Deerness to his brother-in-law Patrick, Lord Lindores, on 21 November 1591.<sup>2</sup> The change in nomenclature was not merely the adoption of a courtesy title after the English style, but would appear to indicate a genuinely greater interest in Shetland than any ever evinced by his father. As earl, his building projects would include the building of Scalloway Castle, and he would administer the law either himself, or through his own deputies, notably John Dishington.<sup>3</sup> He would not rely on his father's client, his uncle, Laurence Bruce, and it may be because of Patrick's supplanting of Bruce in the position he had formerly enjoyed in Shetland that in 1591 there appeared the first evidence of ill-feeling between the two men. On April 3 Thomas Bellenden, brother of Sir Lewis the

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1. W. Jardine Dobie, 'A Shetland Decree', JR 11 (1939), 1.

2. Balfour Papers, box 27, bundle 6.

3. Court Book of Shetland, 1602-4, passim.



justice clerk, stood caution in £2000 for Patrick that he would not harm Bruce,<sup>1</sup> and on 21 January the following year Bruce protested to the privy council and obtained an execution of horning against Patrick.<sup>2</sup> This antipathy was to come to the surface more than once in the future and was perhaps a significant factor in Patrick's final downfall.

On 29 May 1592, immediately after the ratification of Robert's regrant of the earldom lands, bishop Bothwell was granted a 'protestation' in Parliament,<sup>3</sup> recognising that the infestment of Robert and his son was not to be prejudicial to the bishop's action against them. This brief document made particular reference to the relieving of Bothwell of payments from the thirds of Holyrood, and coupled with an 'exception' passed earlier in the same session,<sup>4</sup> gives a clearer idea of the nature of the bishop's complaints. The thirds of Holyrood had been set aside 26 years before for the payment of a pension to Robert's children, and by the contract of the excambion Robert had agreed to pay to his children any of the pension 'evicted' from them - should the church, for example, seek to add its demands from the thirds to those of Robert's children. This last had occurred in 1573 when it was ordained that the sum of £860 per annum should be set aside for the payment of stipends to the ministers of the abbey kirks, and the demands on the bishop noted in his letters of horning against Robert consisted largely of arrears of stipend. The purpose of the 'exception'

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1. RPC, iv, 605.

2. Ibid., 713.

3. APS, iii, 590-1.

4. Ibid., 547-8.

was simply to excuse Holyrood from a general rise in demand from the thirds, but it indicates fairly clearly that it was the warrandice on the demands from the Holyrood thirds that Robert was refusing to meet. It is noteworthy, incidentally, that the warrandice had been disposed by the king and collector of thirds to James Stewart of Graemsay for the payment of £500 - perhaps more evidence that Robert was gradually transferring his responsibilities to his sons.

What followed is somewhat confusing. On 9 August 1592, Robert was granted letters of relaxation of horning on the grounds that he had now made payment to the bishop;<sup>1</sup> the date of his original denunciation was given in these letters as 26 November 1590, a month or so after the last execution endorsing the letters previously noted. However, despite this relaxation, the subject was still alive on 1 March 1597, more than four years after Robert's death.<sup>2</sup> By that time Adam Bothwell was himself dead and Robert's escheat had been granted to Mr Thomas Darclay, but it was only with difficulty that earl Patrick was able to rid himself of the problem finally, probably some time in 1597.

Towards the end of Robert's life, the evidence for his activities becomes less illuminating, though it remains to some extent characteristic. It consists largely of land grants, several following on the escheat of former owners. On 20 August 1591 Alastair Banks and his wife were granted a tenement in Kirkwall from which Simon Cursiter

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1. Sheriff Thom Papers, SRO ref. GD.1/212/38.

2. Orkney and Shetland Papers, SRO ref. RH.9/15/104.

had been evicted 'for thift'.<sup>1</sup> On 20 January 1592, Robert's servitor David Angusson received a privy seal gift of the escheat of his father, Stephen Angusson, at the horn at the instance of William Halcro of Aikers 'for spuillzie'.<sup>2</sup> On 23 July following, David also received land in Sanday from Robert.<sup>3</sup> Some time before 24 November, Robert disposed lands in Lyking, Sandwick, to Margaret Craigie of Clumlie; this territory had been evicted for theft, though no further details are given.<sup>4</sup>

Robert's other charters of the period were largely to familiars and relatives. On 3 August 1591, at Kirkwall, he granted land in Yinstay to Alexander Kincaid, a former servant of Adam Bothwell who had been for some years in his employ.<sup>5</sup> Six weeks later he granted land in Weyland to Marjorie Sandilands, mother of several of his natural children, and to Edward, one of her sons by him.<sup>6</sup> About a month after that James Fea received land in Clestrain, Sanday, from the earl.<sup>7</sup> Towards the end of the year, on December 27, he gave the lands of Housbie, in Stronsay, and the island of Auskerry to Hugh Sinclair of Brough, husband of his illegitimate daughter Grizel.<sup>8</sup> This was the last charter by Robert for which details are available.

In November, the earl was included in a general commission to the

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1. Craven Bequest, SRO ref. GD.106/31.
  2. Scarth of Breckness Muniments, SRO ref. GD.217/567.
  3. Traill Dennison Papers, Box 4, no.9.
  4. REO, 318, no. cc.
  5. Ibid., 317, no. cxcix.
  6. Reg. Ho. Chrs., SRO ref. RH.6/3140.
  7. Ibid., 2191.
  8. RMS, v, no. 1994.



nobility and others to execute the acts against Jesuits.<sup>1</sup> On 15 December 1592 his son Patrick directed a precept in which he was designated earl of Orkney, perhaps in anticipation of his father's imminent demise.<sup>2</sup> The last official mention of Robert Stewart during his lifetime occurred on 12 January 1593, when the comptroller received his feu mails;<sup>3</sup> his last recorded action, that of ordering the drawing up of his will and having it subscribed on his behalf, took place seventeen days later.<sup>4</sup>

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1. Melvill, Diary, 304.

2. REO, 166, no. lxxv.

3. ER, xxii, 283.

4. Morton Papers, SRO ref. GD.150/2238.

## 6. ROBERT STEWART: FRIENDS, RELATIVES, SERVANTS

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ROBERT Stewart died on 4 February 1593.<sup>1</sup> Two days before, lying gravely ill in his chamber at the Palace of the Yards in Kirkwall, he ordered notary David Arthur to draw up his will.<sup>2</sup> Present as witnesses were his daughter Jean and her husband, Lord Lindores; James Stewart of Graemsay, his natural son; Thomas Swinton, minister at Kirkwall; Walter Bruce, sheriff clerk and a servitor from Robert's earliest days in Orkney; and two Edinburgh burgesses, John Dick and David Pringle.

The will's first clause concerned Robert's remitting and forgiving 'all rancor and malice conceavit aganes' Patrick, his son, 'heir present upoun his knes', praying him 'mast effectuallie to observe and keip the hedis claussis articulis and poyntis of the contract quhilk wes maid betuix me and him'. No details are available for this contract, though it seems possible that it concerned Patrick's administration of the earldom on his father's behalf and in particular his dealings with Robert's estate after his death, though Patrick was not named as an executor in his father's will.

The reference to 'rancor', while quite possibly intended only

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1. Edin. Tests., SRO ref. CC.8/8/30. Mooney reckoned that Robert might possibly have been buried in the Cathedral (Cathedral and Royal Burgh of Kirkwall, 90). This would seem reasonable given the presence there of the tomb of his brother Adam, but the comprehensive list of St Magnus tombs in the RCAHMS Inventory makes no mention of a tomb for Robert.
  2. Morton Papers, SRO ref. GD.150/2238.

as a formal gesture, was not wholly without cause. Relations between Robert and his elder sons, both Patrick and the late Henry before him, had not always been cordial. Eleven years before, on 4 March 1582, Robert had written to Sir Patrick Waus in answer to a query about Patrick's education. Sir Patrick had asked Robert whether he thought it best to send the young man abroad to Geneva (Genawa) or to keep him home at court. Robert replied that he greatly favoured sending Patrick abroad for some years because 'it war mekle best for his instructioun and upbringing in all kynd of civilitie'.<sup>1</sup> Certainly, given Patrick's later reputation as a man cultivated in the arts, one feels that he would have appreciated this educational opportunity. However, it was not to be, because his father was 'so far inrune in dettis quhat be the pament of my dochteris tocher gudis, the rostis awand be my umquhile son the tyme of his last frequenting the court thair' and other expenses incurred by his ships, that he was now in debt by more than £1000, not including pledges to Edinburgh merchants for the payment of arrears of his daughter's tocher. He therefore wished Barnbarroch to send his son north to stay with him for a time, until he could make sufficient provision for sending him abroad, saying that in any case it had been a long time since the two had met. Interestingly, Robert was very much against Barnbarroch's alternative suggestion regarding Patrick's immediate future, that of permitting him to remain at court - 'on naways can I consider him to be meit to frequent the court as yit, bot rather may do evill thair nor guid'.

This enigmatic statement perhaps presages the ill-feeling that

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1. Barnbarroch Correspondence, 238.



was shortly to prevail between Robert and Patrick. It was no doubt connected with Robert's further statement in the same letter, that he did not want Andrew Martin, one of Patrick's servants, to associate with his son. Martin was to serve Patrick both before and after he in his turn became earl, ultimately suffering with him, and Robert on more than one occasion blamed Martin for the cool relations between him and Patrick. Now he stated 'he handillit the uther so indirectly aganis me and his awin weill quhilk wes his verray tinsel and wraik in ane part'.

Who 'the uther' was is not stated; it is possibly the late son to whom Robert alluded in his letter, but it is also quite feasible that it is Patrick's elder brother who is being referred to - Henry, master of Orkney. Andrew Martin and Henry seem to have been very close, and Robert's relations with the son who was then his heir were no better than those with Patrick. On 23 November 1585 James Dickson, another servant of Harry and his father, wrote to Andrew Martin - out of Orkney, presumably in Edinburgh - stating that 'the maister hes bene verray scharplie handillit and extremelie usit be my lord sen your departing and as yit is, for quhen evir he requiris ather claything or ony uthir thing necesser for him my lord boistis him, and saies he sall use him in na uther maner, quhilk the maister can nocht guidlie support. All this he beiris with sa far as he may, awaiting upoun your hiddercuming quhilkis he daylie lukis for and thinkis verray lang thairto...'.<sup>1</sup>

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1. Barnbarroch Correspondence, 340.

A letter from Robert to Barnbarroch of 26 January 1586 gave the reason for the earl's antagonism towards both Martin and Henry.<sup>1</sup> By that date, with no cause given, or warning from the extant records, Henry Stewart was dead. Robert desired Barnbarroch to ensure that Andrew Martin was not permitted access to Patrick because he had used his 'wickit counsall to put Harie and me at variance'. The servant had caused Henry to cross the Pentland Firth to seek the friendship of the earl of Caithness, and he understood that Martin had Henry's testament - 'he never lat me be participator thair of'. Robert now felt it 'verry necessar' that Patrick be sent abroad - 'quhair he mycht larn vertew and guid maneris' either in France 'in respect of thair religion', or to 'sum guid college in England'. He craved Barnbarroch's advice.

Relations between Robert and Patrick presumably improved during the late 1580s and early 1590s, but the documentation suggests little of the closeness which seems to have existed between Robert and his natural sons James, of Graemsay, and William. Patrick is relatively rarely found as a witness to his father's decreets and charters, and seems to have spent considerably more time in the south with his mother. He was present with the countess at one of the executions of Adam Bothwell's letters of horning against his father in June 1590 and in March 1592 he had seemingly returned south and was in communication with the earl of Morton concerning the subject of marriage with his youngest daughter.<sup>2</sup>

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1. Barnbarroch Correspondence, 343.

2. CSP Scot, x, 654.

In Robert's will, his wife Jean Kennedy was not mentioned at all, although he left bequests to his mistresses, Marjorie Sandilands, Janet Allardyce and Janet Gray. The first named, Marjorie Sandilands of Wick, wife of Adam Gordon, brother of John Gordon of Avachie,<sup>1</sup> was the mother of his sons George,<sup>2</sup> Edward,<sup>3</sup> and David<sup>4</sup> and his daughters Jean and Katherine.<sup>5</sup> She would appear in addition to have had a further daughter, as the bequest stated that those 'barnes' already provided with 'rowmes' (presumably George and Edward) were to rest content, whereas the others - three daughters and a son - were to receive 4000 merks. Janet Allardyce and Janet Gray both bore him daughters. Of Robert's three known illegitimate daughters only two, Mary and Christian, are possible candidates as the unnamed children in Robert's will. The third, Grizel, had been married to Hugh Sinclair of Brough, Shetland, since about 1577.<sup>6</sup>

Jean Kennedy, countess of Orkney, does not appear to have set foot in the islands at all. She did not accompany her husband on his first trip north, as he wrote to Bellenden of Auchnoull shortly after his arrival speaking of sending a ship for both her and the justice clerk. On 4 May 1584 he wrote to Sir Patrick Waus recognising the latter's efforts in trying to induce the countess to

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1. Fea of Clestrain Papers, SRO ref. GD.31/13.
  2. Balfour Papers, Box 32, no. 14.
  3. Reg. Ho. Chrs., SRO ref. RH.6/3140.
  4. PRS Orkney, SRO ref. RS.43/1, f.41.
  5. Acts and Decrees, clix, 299.
  6. Society of Antiquaries of Scotland, Hibbert Ware Collection (O & S Mss. 569 no. 1).



travel north and asking him to persist in them 'for trewlie I am unable to sustene and furthbeir hir charges ony forther in thay partis'.<sup>1</sup> She was apparently complaining that she received nothing from him for her maintenance and Robert sought to refute this by enclosing with his letter a list of the sums of money he had sent her since his last return to Orkney, amounting to nearly £2,500. She seems to have spent most of her time in or about the capital, and she had a house in the Canongate where the earl of Bothwell visited her in 1589.<sup>2</sup> Her work as administrator for her husband in the capital has been noted.

The children of the ladies Sandilands, Allardyce and Gray constituted something of a second family for Robert, since they were considerably younger than their other brothers and sisters, both legitimate and illegitimate. All seem still to have been 'bairns' in 1593. Of the earl's legitimate children, Henry, Mary and Jean were all born before he first set out for Orkney; they were all alive on 3 November 1566 when Robert was granted a pension for their maintenance.<sup>3</sup> Patrick was born somewhat later, but was alive on 27 September 1568 when he was included in the entail of the contract of excambion between Robert and Adam Bothwell (he may also be identified with the mysterious Thomas Stewart, entailed in the charter by Sir John Bellenden of Auchnoul to Jean Kennedy of 18 September 1568). James Stewart, later Sir James Stewart of Eday

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1. Barnbarroch Correspondence, 287-9.

2. CSP Scot, x, 39.

3. RSS, v, no. 3101.

and Tullos, came next, and John Stewart, the later earl of Carrick, must have been within a few years of the same age, though he is mysteriously omitted from the documentation of the time.<sup>1</sup> The youngest of Robert's sons was the later Sir Robert Stewart of Middleton; neither his birth date, nor that of his youngest sister, Elizabeth, is known.

All Robert's legitimate sons were educated in the south, and the evidence suggests that during his lifetime only the elder, Henry and Patrick, appeared in the islands, though John and James both had landed interests there, at least after their father's death. John became earl of Carrick (said to be Carrick in Eday) and his illegitimate sons Adam and Henry came to hold extensive tracts of land in Orkney. Sir James Stewart of Eday and Tullos and his sons John and Robert also held land in Eday.<sup>2</sup> Sir Robert of Middleton appears to have sought his fortune outside the islands altogether.

The earl's lawful daughters undoubtedly brought their husbands Orkney concerns, and the husbands of both Mary and Jean are at different times mentioned in connection with Robert's activities. Patrick, master of (later Lord) Gray, who married Mary on 20 July 1585<sup>3</sup> had been a cautioner for Bruce of Cultmalindie as early as 30 April 1577.<sup>4</sup> Patrick, commendator of (later Lord) Lindores, who

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1. Scots Peerage, ii, 440.

2. PRS Orkney, SRO ref. RS.43/2, 4-7, passim.

3. CSP Scot, viii, 34.

4. Acts and Decrees, lxviii, 92.

with his wife Jean witnessed his father-in-law's will, had been in Orkney more than once before. On 6 November 1586 he witnessed a tack by Robert to Thomas Swinton (another witness to the will)<sup>1</sup> and on 21 November 1591 he received land in Deerness from Patrick Stewart.<sup>2</sup> Elizabeth's husband, James Sinclair of Murkle, second son of John, master of Caithness, though not present at the subscribing of Robert's will, was nonetheless appointed an executor. It should perhaps be noted at this point that Barbara Stewart, cited on more than one occasion<sup>3</sup> as a daughter of Robert, appears in fact to have been a child of his brother Adam. She is stated (in the same sources) to have married Henry Halcro of Halcro and thus must presumably be the 'domina de Halcro' who erected her father's tombstone in the cathedral.

Of the illegitimate sons, Robert and the elder James (both mentioned in Robert's pension grant of 1566) both disappear early from the record, but the other James (whose mother was said to have been Janet Robertson of Strowan) and William remained to make their mark. James, old enough by 27 January 1587 to take part in an assize, must have been born in the same years as his legitimate brothers Patrick, James and John - that is, those immediately before his father's departure for Orkney. He reappears again and again from 1584 onwards both as a witness to his father's transactions and in his own right.<sup>4</sup> William, later designated of Egilsay, had a chequered later career;

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1. Fea of Clestrain Muniments, SRO ref. GD.31/2.
  2. Balfour Papers, Box 27, bundle 6.
  3. E.g. Scots Peerage, vi, 574; Scott, The Frskine-Halcro Genealogy, xiii and 14; REO however refers to her as brother daughter of Robert (p.448).
  4. E.g. 29.6.1586 (Craven Bequest, SRO ref. GD.106/78); 21.9.1586 (RSS, liv, 92v); 30.5.1587 (REO, 309, no. cxci).



he was summoned in 1600 to find caution to appear for trial on the charge of murdering his wife, a Belleiden.<sup>1</sup> In 1609 he was following in the footsteps of Gilbert Balfour as a colonel in Swedish service.<sup>2</sup> Little is known of the daughters of Janet Allardyce and Janet Gray; of the sons of Marjorie Sandilands, David would seem to have died young, and George, of Eynhallow, although he held a number of pieces of land in Orkney later erected into the tenandry of Brough, died before 30 March 1616, without issue.<sup>3</sup> Edward on the other hand succeeded his brother and founded the family of Stewart of Brough.

Other provisions of the will, apart from those to the earl's mistresses, involved, as might be expected, servants. Most of these were relatively humble, since Robert's important followers - Patrick Mentoith of the Fair Isle, John Caverton of Shapinsay, William Gordon of Cairston - had presumably been given adequate rewards already, in the form of land. The only exception was John Dishington, who was discharged of all his intromissions as chamberlain and sheriff depute, and was the subject of a clause seeking to ensure Patrick's ratification of his pension. Other grants were miscellaneous; Magnus Hourston, keeper of Robert's girmel, received a discharge of his intromissions with 'our vittuall det'; William Twatt received a pension of one barrel of butter and six mells cost yearly from the lands of Twatt; a general clause ordained all Robert's servants to have their fees paid, and finally John Sutherland was left 'the auld shellop with hir haill furnettours'.

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1. RPC, vi, 93.

2. Scots Peerage, vi, 575.

3. FRS Orkney, SRO ref. RS.43, i, f.2; printed Orkney and Shetland Sasines, 1.

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PERHAPS because of the legal wranglings surrounding Robert's estate at the time of his death, his testament and inventory were not registered until 26 May 1597, more than four years after his death.<sup>1</sup> Despite the existence of Robert's will, with its appointment of executors - Lord Lindores, James Sinclair of Murkle, James Stewart of Graemsay and John Dishington - the testament was registered as cative, with Patrick, earl of Orkney, as sole administrator. Why this was is not known, but it could easily be for the same reason as the late registration - the difficult legal position of Robert's estate, which could have rendered the whole will invalid.

Nevertheless the testament gives an interesting picture of the late earl's movable assets and their distribution. His livestock, meat, grain and other agricultural commodities were listed as lying in five main centres, all in Orkney - Kirkwall, Birsay (presumably the lands surrounding his palace), the Bu of Folsetter (in Birsay, about 2½ miles to the south of the palace), the Bu of Corse (on the south-west outskirts of Kirkwall) and an unknown centre stated simply to be 'in Sandweik'.

The main asset of the Bu of Corse was that of dairy cattle, of which there were 24; these, together with 13 oxen and 20 assorted quoyes, amounted in value to £274 - curiously enough, exactly the same worth as the stock at the palace of Birsay. The latter, besides 8 plough and 8 feeding oxen, 8 cattle, a quoy and a bull, had 220

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1. Edin. Tests., SRO ref. CC.8/8/30.

ewes on its land. There were sheep also at Sandwick, where 60 wethers were kept as well as 180 hogs totalling £95 in money value. Folsetter had £130-worth of assorted bovine stock.

Robert's main girnels would appear, predictably, to have been in Birsay and Kirkwall, and therefore little in the way of grain products is recorded as lying in the barn and barnyard of Corse, and none at all in Sandwick or Folsetter. Kirkwall, although the livestock there consisted only of six 'fed oxen' and two horses - a brown hackney and an old grey called 'The Rumlar' - nonetheless had within its boundaries the widest range of Robert's movables, contained in the 'lardner', the girnel, the castle and (probably) the palace of the Yards. The larder contained a total of  $7\frac{1}{2}$  barrels of beef and 20 marts of beef fat, with an overall value of £70, the girnel contained 3 lasts of malt and 2 lasts 1 mell of meal, £26 $\frac{1}{4}$  worth; there were 12 fathoms (£24) of peats in the peat yard. The listed contents of the castle, apart from a silver spoon and an eight ounce piece of silver, both worth 50s, were armaments, including a brass cannon called 'the lapster' worth £200, two iron cannon and 10 hagbuts. Notwithstanding the value of the brass piece, this seems little enough. The only luxurious-sounding items in the inventory are not assigned a home, but it seems likely that they were in the Yards. They consisted of two French saddles with harness, one covered with purple velvet, the other with dry leather, costing £70 together, eight pieces of 'auld tapestry' worth £150 and two 'fute' mantles, one of velvet, one of blue cloth, one wrought with pasments of silk, the other 'bigaret' with velvet; these last were worth respectively £100 and £40.



Despite the almost certainly luxurious outfitting of the palace of Birsay, the goods recorded as lying there were largely agricultural. Besides the livestock, there were quantities of malt and meal in the girmel, three lasts of ale in the cellar, bere, oats and beef fat in the barnyard, and 14 fathoms of peats in the peat yard. There is little contemporary evidence regarding Robert's estates at Birsay, but later plans and views give a fair idea of the layout immediately adjacent to the palace,<sup>1</sup> which remained in repair until at least the 1670s.<sup>2</sup> It is generally considered that the old bishop's house lay to the south and west of the earl's palace, nearer the church, and indeed the church, of Birsay was almost an integral part of the earl's buildings, with his palace on one side of the kirkyard and his barns and stables on the other. To the west of the palace, next to the kirkyard, lay Robert's peat yard, with, at the beginning of winter at least, its rows of massive peat stacks, each the length of the palace. Appropriately, the side nearest the peats had (and has) as its main feature a row of tall chimneys heating the apartments under the west gallery whose windows gave out on to the peatstacks. To the east, running along the side of the palace and south towards the burn of Hunto lay a series of gardens - flowers, herbs, kale and plants. To the east and north-east of these lay corn fields. From the south gateway of the palace an avenue ran due south to the bridge over the burn. Branching off it were paths leading round to the north of the palace through the peatyrd, south west to the barns and stables, and east

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1. Register House Plans, SRO ref. RHP.35836 (ex Orkney and Shetland Papers, SRO ref. RH.9/15); RCAHMS Inv., O & S, plate 4.
  2. Orkney Rentals and Accounts, SRO ref. E.41/12/21-3.

along the north bank of the burn to the mill and other parts upstream. When the avenue had crossed the river it met another at right angles; a westward turn took the earl to Sandwick and Cairston, a turn in the opposite direction eastward to Harray and Kirkwall. North-west and south-east of the palace and its outbuildings lay rabbit warrens, the 'north and south coningers'. The road through the peatyrd forked at its northern end and one branch led through the north coninger to Buckquoy (the Birsay minister's glebe),<sup>1</sup> and the Brough. The other ran to the north of the palace under the windows of its hall and adjacent reception chamber to the more northerly corn fields. Further roads branched from this and led through the north coninger to Skippigeo, where (it would seem) some of the earl's boats lay moored or beached. Besides the necessities of life which all this represented, pastimes were provided for. Archery butts lay along the side of the flower and herb gardens, a bowling green lay east of the avenue from the main gate to the burn, and one may presume that golf balls which James Dickson requested Andrew Martin to bring north with him from Edinburgh<sup>2</sup> were employed on the links south of the burn.

There seems little doubt, in fact, that Birsay, or at least that part of the parish between the north-west end of the Loch of Boardhouse and the sea, formed the heartland of the estate of the Stewart earls. Besides building his palace there, Robert employed the Bu of Folsetter nearby as one of his main farms, and it was, as we have seen, the subject of a separate legal arrangement between Robert and Sir John Bell-

1. Marwick, The Place-Names of Birsay, 60-1.

2. 23.11.1585 Barnbarroch Correspondence, 340.

3. See pp. 121-2.

enden at the time of the excambion in 1568. Some time thereafter, it came to be called 'The Barony', a name it still bears today. There is no concrete evidence of the area's ever having been formally erected into a barony, but Jo.Ben, writing about 1590<sup>1</sup>, stated 'Birsay baronia dicitur', and Robert is said, somewhat mysteriously, to have been granted the subsidiary title 'knycht of Birsay' when he was invested as earl in 1581.<sup>2</sup> This special position of Birsay in the earl's dominions may help to explain the particular support given to earl Patrick's cause by the men of that area.

The sum total of the inventory of Robert's movable assets was given as £4,116.11s. It seems likely that, in common with the totals of many inventories at this period, this is a considerable underestimate. It is probable, for instance, that Robert would have possessed more and better riding horses than are recorded here, the armaments of the castle seem rather meagre, and it is distinctly frustrating that there is no reference at all to the plenishings of the palace of Birsay.

The debts owed to Robert consisted of a long list of the mails and duties owing for the year 1592, amounting to £4,568.18.10d, giving a very detailed list of tenants, feuars and skat-payers of both earldom and bishopric lands of Orkney with the amounts they owed for crop 1592. Perhaps especially notable are the outstanding multures of the mills of Deerness, Holm, Lingro, (St Ola), Birsay, North Sandwick,

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1. Macfarlane's Geographical Collections, iii, 309, 320; for discussion of probable date of Jo.Ben's writings, see note by A.W. Johnston, Old Lore Misc., i, 300-3.

2. Moysie, Memoirs, 34.



Sanday and South Ronaldsay, evidence that whatever Robert's intentions towards the udal mills, there were already many mills in Orkney over which he had superiority.

Robert's own liabilities, which amounted to £4,800, consisted firstly of £2,068 13s 4d owed to the crown and 1700 merks owed to the crown collector of teinds. Then followed a long list of 'years fees' to individuals who had served Robert in some capacity - headed, interestingly enough, by 'Andro Mertene, gentilman', the detested servant of Robert's son, who was owed £100. The list, embracing 45 people, covered a wide spectrum of activities, including Alexander Strachan, John Murray and Robert Glass, wrights, John Kincaid and William Oswald, smiths, John Wallace and Mans Lauchlan, slaters, Gilbert Boyd and Duncan Crawford, quarriers (the presence of these men suggests that considerable building work was still going on - perhaps on the palace at Birsay), Robert Smith, bellman, John Stewart, stabler, Andrew Lyell, brewer, and Robert Walker, gardener at Birsay, as well as a number designated simply as 'servandis'. One striking feature of the list is the relative lack of Orkney surnames; only Wattie Towp (?Toab), and one 'Stannoquoy', carter, have definitely Orcadian names. It is probable that there were a good many more Orkneymen in Robert's employ than this would suggest; a number of non-Orkney names in the list were in the process of becoming common in the islands at this time - Banks, Cogill, Sutherland, Sclater, Traill - and their bearers may well have been islanders. A christian name such as that of Mans Lauchlan suggests a native born of an incoming family. Moreover, among Robert's other servants (indeed named elsewhere in the testament) were James Gloup, grieve at Folsetter, and one Scarth, barnman at Birsay.

Nevertheless, those among Robert's servants of likely northern origin represent a mere sprinkling amongst the group as a whole. Of the 140-odd persons who can be traced as having served Robert in any capacity whatever during his life in Orkney, only a handful - 15 or so - seem likely to have been Orcadians.<sup>1</sup> With the exceptions of two Scollays, Edward and David, the three sons of the late Henry Sinclair of Stromo, and persons of the questionable surnames of Smith, Sclater and Sutherland, all the names which occur more than once in the list of Robert's servants are Scots - Blackadder (2 occasions), Brown (2), Bruce (5), Crawford (2), Dickson (2), Dundas (2), Elphinstone (3), Henderson (2), Johnston (2), Kennedy (2), Kincaid (4), Lyle (2), Menteith (4), Morrison (3), Murray (3), Redpath (2), Robson (3), Stewart (3).

A fair number of Robert's more important followers had origins which are easily traceable. The Menteiths, James, Patrick and William, all came from Saltcoats, in the Kerse barony lands of Holyrood, and first appear on the scene apparently as followers of William Menteith of Randyfurd, himself a henchman of Robert; in Orkney, Patrick Menteith became the most prominent, becoming sheriff depute and captain of Kirkwall Castle during Robert's absence in the 1570s. Some were fairly obviously related closely to Robert himself. Laurence Bruce's men, Henry and James Bruce, were presumably his own relatives, and thus Robert's also. Walter Bruce, Robert's sheriff clerk for many years, was an illegitimate son of the laird of Clackmannan, and as such was related both to the Cultmalindie Bruces, Robert's relatives, and

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1. Except where otherwise stated, all references for statements made in this passage are to be found in app. 9.

to the Airth Bruces, Robert's vassals as commendator of Holyrood.<sup>1</sup> Of the Elphinstones in Robert's following, William was the brother of Lord Elphinstone and thus his master's uncle; presumably Rany and Gavin Elphinstone must also have had some family or 'friendly' connection. James Kennedy was Robert's brother-in-law, and Oliver Kennedy was presumably another kinsman in that direction. The Kincaids would seem to have had two separate origins; Alexander Kincaid had originally been a servant of Adam Bothwell and was probably a relative of the bishop, as had been John Kincaid of Warriston, an earlier visitor to Orkney. William Kincaid the smith, however, is designated 'of Falkirk' and he and his brother John presumably came into Robert's employ through their connections with the barony of Kerse.

The 'inner circle' of Robert's servants, those who were involved over a long period in his most important doings, were: Thomas Auchinleck, John Caverton of Shapinsay, John Dishington, William Elphinstone, William Gordon of Cairston, Alexander Kincaid, Patrick Monteith of Fair Isle, and two of the small number of prominent native Orcadians, Malcolm Groat of Tankerness and David Scollay of Tofts. Of these, all but Auchinleck and Elphinstone were involved in some capacity in Robert's campaign against the Irvings of Sabay. Auchinleck, Dishington, Caverton and Kincaid were all south on Robert's business at one time or another, and Monteith, as we have seen, was involved in some of Robert's more violent and disreputable activities. Both Elphinstone and Monteith acted as sheriffs depute during Robert's troubles in the

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1. Armstrong, The Bruces of Airth and their Cadets, 29.



1570s and David Scollay was provost of Kirkwall when Robert demitted that office during his second period of tribulation, 1586-9. Both Menteith and William Gordon were at different times captain of Kirkwall Castle. The profusion of deeds involving these individuals suggests that they were seldom far from their master's side and, as their designations might indicate, any time spent out of Robert's company by Caverton, Gordon or Menteith might well have been spent administering their own not inconsiderable estates.

Outside this group of regular and important counsellors was a larger number - perhaps 30-odd - of lesser lights. These in fact form more of a class than a clearly indentifiable band of men, since their identities appear to vary at different periods of Robert's career. William Ferguson, for example, possibly arrived in Orkney with Robert in 1567, but disappears after 1574, as does James Kennedy, Robert's brother-in-law (both may have gone south with the disgraced Robert in 1575 and simply never returned). Thomas Knightson on the other hand, though surviving both Robert and his son, does not appear on the scene till 1585. James Hay appears in Robert's affairs in 1572 (though he may have been in Orkney earlier) and disappears again after 1584. James Dickson, a servant of Henry Stewart, master of Orkney, only appears twice, in 1584 and 1585, though it is obvious from his letter to Andrew Martin in the latter year that he was indeed a permanent servant. It is Dickson who gives us our only glimpse in Robert's lifetime of another servant, David Moncreiffe, though the latter is known to have been alive in Orkney in 1614.<sup>1</sup>

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1. REO, 382, no. ccxli.

Of this group (indeed of all Robert's followers), only a handful remained with him throughout his time in the north. Walter Bruce was in Robert's service during the whole period 1567-93, and Thomas Robeson's period of employment was not a great deal shorter, ending about 1587, perhaps simply as a result of his death. To this group, too, belongs a small number of individuals who were not servants of Robert in the strict sense and who never set foot in the Northern Isles at all - Robert's Edinburgh agents. These men, Alexander Couston, James Marshall, William Menteith and possibly Andrew Williamson, were responsible for transacting Robert's business in the capital - chiefly translating Orkney and Shetland produce rents into cash, but also witnessing legal documents and in Williamson's case, purchasing a ship. Also in treating of this group of Robert's servants we may name those whom we know to have exercised specific functions under the earl: Gloup the grieve, Scarth the barnman, Magnus Hourston, keeper of Robert's girdel, Robert Walker, the gardener at Birsay, and John Sutherland, skipper, who, being left an old ship by Robert in his will, may perhaps have been the latter's own personal shipman.

Beyond this larger section are to be found the multitude of simpler folk mentioned earlier, the tradesmen and porters, skilled and unskilled, listed in the wage bill in Robert's testament. After them, we are left with one final interesting group. The apparently transient character of certain elements of Robert's company may, in many (though certainly not all) cases be an effect created by gaps in the records, but there is one category in the social structure of Robert's servants where 'transience' seems an accurate description. Robert's piratical associates - whether actively employed, as in the

case of Edmund Blackadder, or simply assisted, as in the case of George Peterson - seem to surface briefly then disappear without trace. The only exception seems to have been Thomas Knightson, noted above, who progressed to the rank of higher administrator under Patrick, but he seems to have been more than simply an unscrupulous seaman. Gavin Elphinstone, though not a pirate, could be said to be of this group, appearing briefly in Robert's service as he does, then disappearing. Others include the Blackadders' men, Hume, Crosby, Aikman and the others, Mounce Heneson the Dane,<sup>1</sup> and the less important but nonetheless informative Peter Fisher.

### Three

THE life and doings of Robert Stewart are, of course, only half the story of the Stewart earldom of Orkney. Indeed, although Robert was responsible for the earldom's existence, and held sway in Orkney and Shetland for nearly twice the length of time that his son did, nonetheless it is Patrick who is the more remembered in the popular imagination of present-day islanders. As Storer Clouston states 'By a curious fate it is the name of "Pate" Stewart, Earl Robert's son and successor, that is still remembered in Orkney today as a symbol for oppression, while his father's stressings and even his very name are forgotten'.<sup>2</sup>

It is not intended here to treat in any detail of Patrick Stewart's

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1. Possibly Magnus Heinason, a Faroese. See app. 9.

2. Clouston, History of Orkney, 307.



ill-fated rule, and in any case not nearly enough research has been done, by the present writer or anyone else, to justify any very certain conclusions about Patrick, his life and fall. Patrick's very character, though not without illustrative evidence, remains shadowy. The most detailed piece of published work concerning him - the chapter of Storer Clouston's History which begins with the lines quoted above - fails to deal with the contradictions which appear when one follows that writer's view of Patrick as being little short of a maniac. There is no attempt to explain why his son's rebellion found such ready support in the Orkney parishes of Birsay and Harray (though this seeming anomaly is noted) and although notice is taken of the curious allegation that Patrick, on the eve of his execution, was found to be unable to recite the Lord's Prayer,<sup>1</sup> there is no reflection that this is an extraordinary piece of ignorance in a man supposedly of careful education and advanced artistic taste. We must presume that he went to the kirk, and indeed accounts of his extravagance tell us that he went there, accompanied by 50 musketeers,<sup>2</sup> so it is tempting to dismiss this story as mere slander. Later work, such as Professor Donaldson's Shetland Life under Earl Patrick, and more particularly his transcription of the Shetland court book, 1602-4, which is one of the major sources for the former book, suggests that although Patrick's rule may have been 'inquisitorial and vexatious', nonetheless there is... ample evidence that the traditional legal forms were in the main being observed'.<sup>3</sup> There are none of the lawless abuses of Bruce, none of the indignant assemblies of the commons

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1. Calderwood, History, vii, 194.

2. History of King James the Sext, 386.

3. Shetland Court Book, 1602-4, pp. v-vi.

of Shetland, and as Professor Donaldson and R.S. Morpeth have written elsewhere<sup>1</sup> it is hard to prove that he was arbitrary in his proceedings, and there is some ground for believing that he may have been more popular with the native inhabitants than with the many Scots who had recently settled in the islands'.<sup>1</sup> It seems curious too, in view of the accusation in 1611 that he and his father had used both systems of law, Norse and Scots, as best suited their ends at a particular time, that he is traditionally accused of having burnt the lawbook of the islands. Such an action would hardly seem to have suited a policy of abusing the law, and in any case the Shetland Court Book contains a specific reference to an appeal by the assize of the Lawting to Shetland's lawbook.<sup>2</sup> Although it may be overstating the case to suggest that the lawbook was physically consigned to the flames by, say, bishop Law, it seems quite feasible that it was official neglect that led to its disappearance and destruction.

It will take a great deal more investigation before we may decide conclusively to what extent, if at all, Patrick Stewart has had a bad press. But what we may do is to examine certain historical themes, current in (and in some cases before) Robert's time, which may well have contributed to the fall of his son. The first of these is the attitude of the Scottish crown to Orkney and Shetland in general, and to the Stewart earldom in particular. Throughout the first century and a half of Scottish rule in the Northern Isles, there would seem to have been a marked and consistent reluctance to alienate the earldom lands,

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1. Donaldson and Morpeth, Who's Who in Scottish History, 104.  
 2. Shetland Court Book, 1602-4, 43.



a reluctance which Robert was able to overcome twice, in 1564 (though he did not render his success effective until 1567), and 1581. Within a few years of both occasions came a period of apparent second thoughts on the part of the central government. Naturally these may have been due in large measure to Robert's own behaviour, but King James's attempts in the 1580s to wrest the earldom away from Robert altogether and put it under the control of the chancellor and the justice clerk suggests a policy of seeking to bring the islands back under crown control - to follow a policy reminiscent of that of James III towards William Sinclair.

It is less easy to discern this element in the crown's attitude to Patrick in the years of his power, indeed on a personal basis, Patrick was in his early years as earl the recipient of royal favour. He acted as sewer (server) to the king at the great banquet to celebrate the baptism of Prince Henry on 23 August 1594.<sup>1</sup> It is perhaps noteworthy that Patrick received no charter as earl until 1600<sup>2</sup> but again this may have been due to difficulties over his father's estate, not resolved till some years after his death. When Patrick did fall, however, the agent of his destruction was, significantly, a bishop - a bishop who was extremely friendly with the king and who, temporarily at least, took over full control of both earldom and bishopric lands for the first time since bishop Andrew had been supplanted by Henry, Lord Sinclair, about 120 years before (bishop, later archbishop, James Law himself requires detailed treat-

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1. Calderwood, History, v, 342.

2. RMS, vi, no. 1022.



ment, and not merely for his activities in Orkney).

After Law's takeover, and the brief hiatus during young Robert's rebellion, the islands remained in the crown's direct control. This control brought quick and far-reaching changes. In 1611 the Norse laws were abolished altogether by act of the privy council (with the unavoidable exception of some of the land-holding practices) and replaced by the law of Scotland;<sup>1</sup> the following year, the earldom lands were again 'permanently' annexed to the crown and erected into a stewartry,<sup>2</sup> and two years after that the whole territories of earldom and bishopric were reorganised. Each thereafter had lands located in specific Orkney districts, instead of both lying 'sparingly' throughout islands and parishes. There were rumours as early as 1620 that King James was intending to feu Orkney and Shetland,<sup>3</sup> but in fact no major alienation took place again until the earldom estate was mortgaged by Charles I to the earl of Morton in 1643.<sup>4</sup> In these proceedings can perhaps be seen an extension into the northern sphere of James's quest for firm and uniform government which he sought in the settling of the borders and the pacifying of the Highlands, but he was also bringing into strong and continuing existence the original intentions of his royal ancestor in 1468-9. Danish claims to the Northern Isles continued in theory during the 17th century, and a reference to Orkney and Shetland appears in the Treaty of Breda as late as 1667,<sup>5</sup> but in reality such efforts as Denmark had made to

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1. RPC, ix, 181-2.

2. APS, iv, 481-2.

3. Mar and Kellie Papers, (IMC) supplementary vol., 100-1, 114-7.

4. FMS, ix, no. 1353.

5. Goudie, Antiquities of Shetland, 229.

regain her lost Norwegian islands were now spent.

The antipathy to Patrick of other Scots settlers in the islands and of the earl of Caithness are further themes from his father's time which may be found in the events surrounding his fall. With regard to the former, however, there were some notable changes after Robert's death. Patrick Bellenden, as might have been expected, maintained his antagonism to the Stewarts and in 1604 he complained to the privy council that he had been besieged by Patrick in his house in Stenness and had been taken away 'aged and sick, he being 72, in a wand bed'.<sup>1</sup> However, there were also some significant re-alignments of sympathy which must have contributed in no small measure to Patrick's fate. Bruce of Cultmalindie's alienation from Patrick has been mentioned, but the Menteiths too seem to have abandoned the allegiance to the earl which they had shown in Robert's time, and in fact the charge against Patrick at his trial listed practically all the major representatives of the Scottish settlers - both the friends and the enemies of his father. During the years 1590-1610 he had apparently 'persewed, accused, proceidit and pronounced dyverse decreittis and sentences aganis' Sir Patrick Bellenden, Michael Balfour of Montquhany, William Bannatyne of Gairsay, [William] Sinclair, younger of Eday, Laurence Bruce of Cultmalindie, Bruce's servant Henry Wardlaw, and Adam Noodie.<sup>2</sup> But this was not all; he had alienated his own half-brother, James Stewart of Graemsay, by imprisoning his servants for transporting Robert Menteith, James's

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1. RPC, vii, 156.

2. Pitcairn, Criminal Trials, iii, 82.



brother-in-law and the son of one of Robert's old servants. Both these individuals might have been sources of support for Patrick, but in fact when the earl of Caithness insisted on assuming leadership of the expedition against young Robert, Patrick's son, the man he supplanted was Robert Menteith of Egilsay. The complaints of Robert Menteith against Patrick, as well as those of James Stewart and many others, are contained in continual references in the records of the privy council from 1594 onwards.<sup>1</sup> To these can be added those individuals who joined Bruce of Cultmalindie in the supplication to parliament stated to have been made in 1592, but more probably made about 1600.<sup>2</sup> They include Bruce's son William Bruce of Symbister, various Orkney and Shetland magnates such as Henry Sinclair of Towquoy, Robert Sinclair of Campston, Thomas Cheyne of Vaila, John Sinclair of Toab, Magnus Cromarty of Cara, and, notably, William Irving of Sabay, Robert's former client.

The earl of Caithness's enmity was moreover decisive. In addition to a degree of inherited ill-feeling, there was a more recent history of quarrelling between the earls on the two sides of the Pentland Firth. Both had been charged to cease from feuding on 6 February 1599 by order of the privy council.<sup>3</sup> When Caithness invaded Orkney, he found friends among the Stewarts' enemies; the man who secured for

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1. James Stewart of Gracmsay and Marjorie Sandilands, 18 June/17 Sept. 1594 (RPC, v, 624-5, 636); Balfour of Montquhany, 2 Mar. 1598 (v, 447-8); Robert Menteith of Egilsay, 25 Aug. 1603 (xiv, 408); Montquhany and Bruce of Cultmalindie, 21 Apr. 1603 (vi, 563); Henry Wardlaw, 1 Jan. 1607 (xiv, 598).

2. Oppressions, 101-3.

3. RPC, v, 523.



him the handing over of Kirkwall Castle by the unhappy young Robert, Patrick Halcro, was a kinsman of Robert's old enemy, Magnus Halcro of Brough.

The inference in all this would seem to be that whatever Patrick's abilities, he was not the politician his father had been, and he succeeded in destroying the basis of his support in the islands at the very time the crown was seeking to curb his power. Accounts of his extravagance, his difficult financial position in the early years of the 16th century and the undoubted sumptuousness of his building programme<sup>1</sup> suggest that money may have been the major motive in his conflict with the 'lairds' of Orkney and Shetland. The opposition to Patrick of the latter as a class may have been balanced to a degree by support from smaller landholders, udallers and tenants, who had no reason to love the incomers - hence the support for young Robert's rebellion. Certainly the Orcadian supporters of Robert are said to have come largely from Birsay and Harray in the West Mainland, acknowledged by Storer Clouston to be the heart of udal Orkney. This is conjecture however. The possibility of a final answer must await a more detailed analysis of the politics of Scotland and the Northern Isles around the turn of the seventeenth century. There are in any case allegations against Patrick of actions which, if true, would have roused just as much resentment among the earl's humbler vassals as did his behaviour towards the larger landowners. These charges - stopping of ferries, forcing labour, particularly on his building projects, imposing trade restrictions<sup>2</sup> - are so reminiscent of some of the object-

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1. See Spottiswoode, History, iii, 213; History of King James the Sext, 386; RCAHMS Inv., O & S, ii, 142; iii, 148.

2. Criminal Trials, i, 83-5.

ions to the rule of his father and Bruce of Culmalindie, that one is again inclined to question the legal basis of them. It seems quite permissible to view them, not as crimes in themselves, but as oppressive abuses of powers which the earls were perfectly entitled to exercise under the provisions of the law-book. If contemporary accounts are true, however, Patrick was not content with the mere exercise (and abuse) of the Orkney earl's unusual power which had satisfied his father. Accounts of his retinue - the fifty musketeers who accompanied him to the kirk, the three trumpeters who sounded at his dinner and supper table<sup>1</sup> - and the provision he made for them suggest that he sought to add to his position trappings of a king-like splendour. In attempting this he overreached himself and brought his father Robert's whole achievement down about his ears.

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1. History of King James the Sixth, 386.

## 7. ROBERT STEWART AND THE HISTORY OF ORKNEY AND SHETLAND

'THE glory of the Norse earldom... was shorn away. The new Scottish earls were incomers; they looked on the islands as a mine with thin veins of gold branching through it. The islanders, so that a planned spoliation could take place, were degraded to the status of beasts of burden.

The worst of all these predatory Scottish earls was Robert Stewart ... He was the complete Renaissance nobleman. He had an exquisite appreciation of the arts, especially architecture. Palaces were built for him all over the islands... An architect of genius built these places. There were round turrets where the ladies sat with their embroidery; they looked out over a green courtyard where the earl's men vied at archery and wrestling. A whole ox could be roasted in the fireplace... Great stone jars of claret stood on the tables. There were flutes, fiddles, pavaues on the long summer evenings...

The earl's palace stood there like a kind of blasphemous parody of the divine cosmos, with shrieks and fire underground, and banqueting and love on top, and in between the hosts of servants, the milk-maids, sty-keepers, cooks, brewers, who bore unquestioningly the burden of humanity. There was no sign of a Christian chapel in all these ordered exquisite harmonious damned stones'.<sup>1</sup>

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1. Brown, Greenvoe, 88-9.



This is the view of the Stewart earldom of The Skarf, a character in George Mackay Brown's novel Greenvoe. The passage quoted also contains further, equally imaginative references to a vomitorium, a torture-chamber, and the exercise of droite de seigneur. It is not, of course, intended that we should take this account at face value, for many reasons. The Skarf, in speaking of the earl's taste for architecture, mentions Kirkwall and Scalloway, and has plainly confused Robert with Patrick; the instruments of torture mentioned are said to have been in the cellar of a palace on Hellya, the wholly fictitious island on which the main action of Greenvoe takes place; and even within the story itself, the listener to The Skarf's reading from his manuscript, states 'it bore as much resemblance to the truth as a cinder to a diamond, for the flame of prejudice had shrivelled it'. The listener was an Asian salesman, who presumably had little knowledge of Orkney history and simply recognised The Skarf's account for what it was.

Nevertheless, Mr Brown's use of The Skarf's writing is significant. According to The Skarf, the scenes and actions he describes took place on Hellya, and in the course of Greenvoe, Hellya comes to suffer an even worse fate at the hands of incomers. In Robert's time, the islanders were allegedly tortured, raped and forced to labour for the earl; in the twentieth century Hellya is stripped of the entire population whose peculiar identity has been explored in earlier chapters of the book and rendered uninhabitable by some unspecified but dreadful means connected in some way with Western security. The Skarf's view of Robert, though accepted even with the context of the story as extremely fanciful, nonetheless strongly parallels the main

theme of Groenvoe, which concerns, among other things, the special way of life of the islanders and its powerlessness in the face of strong pressure from 'sooth'.

This theme can be found in another of Mr Brown's works, though in this case, he himself is telling the story and the island community's response to external threat is altogether stronger. His account of Summerdale is essentially a conflict between the Orcadian and the insurgent Scot:

'The king of Scotland had ordered this invasion. He said that Orkney was in a state of rebellion, and that the nest of rebels had to be smoked out and destroyed.

It was a time when the Orkney-men were confused in their minds and loyalties. Their fathers had been Norse subjects who had suddenly found themselves thirled to the kingdom of Scotland. But they had held on grimly to their own customs and language and laws; and so now did their sons, with a somewhat weaker allegiance to 'the old song', no doubt.

The Scottish lords decided that it was time for these smoulderings to be stamped out for good'.<sup>1</sup>

Mr Brown is not, and makes no pretence of being, a historian. Indeed he says, of one of his works, 'This book takes its stand with the poets. I am interested in facts only as they tend and gesture, like

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1. Brown, 'The Battle in the Hills', The Two Fiddlers, 47.



birds and grass and waves, in the "gale of life" <sup>1</sup>. However, in both these examples of his storytelling set in the 16th century, he touches a theme which has been explored frequently over the years by historians of the Northern Isles - that of the pressure exerted on and the wrongs done to the islands by their large southern neighbour.

Attacks on Scottish rule in Orkney and Shetland generally follow two approaches which are separate, though often taken together; firstly the legal dubiety, real or alleged, of many of the Scottish enactments concerning the islands and even of Scottish rule itself, and secondly the concrete examples of oppression laid to the charge of various Scottish governors of the islands. Robert features in the first approach largely on account of the questionableness of his first title to the islands; he is however the example par excellence as far as the second is concerned. Even his son's perhaps more evil reputation is balanced by doubts about its authenticity, not merely today, but by writers as early as Alexander Peterkin.<sup>2</sup> No-one seems ever to have been in any doubt as to Robert's pernicious nature, both as man and ruler.

The legalistic treatment of Scotland's relationship with the islands has a long pedigree and, fascinatingly, has caused active legal controversy as late as 1961. Early attempts to treat of the subject in detail may be found in 'A Chronicle of Orkney and Shetland'<sup>3</sup> and in Mackenzie's Grievances. The most trenchant may be

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1. Brown, An Orkney Tapestry, 1-2.

2. Peterkin, Notes on Orkney and Zetland, 1, 118-9.

3. Ibid., 81-144.



found in the introduction to the Oppressions by David Balfour of Trenable, later printed separately as Odal Rights and Feudal Wrongs: A Memorial for Orkney; Balfour unfortunately has been shown on a number of occasions to have an approach to factual evidence so cavalier as to suggest that some of his statements are virtually imaginary.<sup>1</sup> The latest airing of the legal complexities of the islands' history came during the case before the Court of Session concerning the St Ninian's Isle treasure, in which the competence in Shetland of the Scots legal concept concerning bona vacantia and even of Scots Law itself were debated in the light of the old Norse laws.<sup>2</sup>

However, it seems problematical whether much of this legal debate would have taken place had there not been a strong feeling among many observers that Scottish rule, whatever its legal basis, had not served the islands well. Even Barry, who was in no doubt as to the legality of Scotland's claim to Orkney and Shetland - describing Denmark's claim as 'founded originally on maritime usurpation' - was dubious as to how much advantage the islands had experienced as a result of the change of suzerainty.<sup>3</sup> But the most interesting critical views regarding Scotland and the Northern Isles (though he talks only of Orkney) are those of Storer Clouston. He is less interested in the legal debates, more in the broad influence of Scotland on the culture and way of life of the islands. Here Robert again comes into his own as a malign influence.

Clouston's work on preparing the documentary ground for a study

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1. REO, p. xlvi.

2. Smith, 'The Law relating to the Treasure', St Ninians Isle and its Treasure, 149-166.

3. Barry, History of Orkney, 232.

of the Stewarts is indispensable, but consultation of his historical narrative on the subject has thrown up some minor frustrations. One concerns Euphemia Elphinstone, Robert's mother, whom he describes as the 'frail lady' who bore the future earl, and as the chief authority for his exalted paternity. Another involves his statements regarding Isobel Brown, a lady to whom Robert granted land in Gairsay in 1574. No evidence has been found to substantiate Clouston's comments on Euphemia's physique or on any statement she may have made regarding her son's father. Isobel Brown is stated by Clouston to have been a former mistress of Robert, and mother of an illegitimate son by him, who was co-recipient with her of land in Gairsay taken from Nicol Oliverson; no evidence has been found for these statements either. It is of course perfectly probable that Clouston has in mind sources which have escaped the present writer, but in any case there is nothing in the references which Clouston himself cites to warrant the conclusions he reaches regarding Isobel Brown.

These are small points, and it is certainly not intended here to make any attack on Clouston, whose work in many areas of Orkney history is in any case exemplary. But these two discrepancies illustrate two things about him. The first is that, as Bruce Dickens states, Clouston's 'strong suit' was imagination.<sup>1</sup> He was after all a prolific novelist of considerable note in his time. Secondly, however, and more importantly, they perhaps illustrate that in his work on the Stewart earls he relied rather more heavily on that imagination than on the kind of painstaking labour which produced the articles on the

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1. Dickens, 'Hugh Marwick', Saga Book, xvii (1966-9), 1.



settlement of Orkney, on rural organisation, on aspects of the sagas, which underpin the earlier chapters of his History. There seems little doubt that his enthusiasm for Orcadian history waned when his studies led him to the period after the islands came under Scottish sway - or, perhaps more accurately, after Summerdale. Besides the romantic picture that he paints of that event, it is significant that of the many articles which he wrote for the Old Lore Miscellany and the Proceedings of the Orkney Antiquarian Society, relatively few concern topics of later period than James Sinclair of Brecks.

The reasons (and Clouston states them more or less explicitly himself) would seem to be twofold. In the first place, modern Orkney seemed to him a poor thing beside the islands of Orkneyinga Saga and its contemporary epics:

'On at least one reader of those sagas, the question has long ago forced itself on looking round Orkney to-day: What became of that heroic age? How was it that high-born chieftains shrank into 'peerie lairds' and their drinking halls into butts and bens? Why should the swords of the Vikings be beaten so completely into ploughshares, and their sons go so regularly to kirk? There seems to be such a deep gulf fixed between the present and the past. Read a few chapters of the Orkneyinga Saga, and then examine an Orkney parish: it is like the contrast between a gale at sea and a calm upon a mill pond. Nothing appears to connect the two. Those landmarks which in other places keep alive the memory of the past and carry back our imagination to it; the ruined castle, the moated



grange, the ancient timbered village houses, the immemorial oaks planted by such and such a monarch, the baron or squire still representing some historic name and showing a charter with King Richard's or King David's seal; those links are lacking here. It is as though the islands' past had dived over a precipice and became the present at the foot.<sup>1</sup>

There are two points made here; the first is that the Orkney of the Norse giants has shrunk to a kind of modern bucolic placidity, the second that, though there may be archaeological and documentary evidence of the intervening period, there is no continuity between the former and latter ages. Thus old Orkney becomes a kind of isolated historical entity, the documents in the Records of the Earldom of Orkney illustrating a period of change with all the possible strands of continuity being gradually severed.

It is indeed true, as Clouston points out, that there is an almost complete blank in the written evidence from the mid-thirteenth century to the early part of the fifteenth in Orkney history, and Clouston himself states that the Orkney which becomes visible at the end of that time is scarcely recognisable as the same area which disappeared from view at the beginning of it;<sup>2</sup> but this does not appear to be what he has in mind. This is not the period when the great change took place - Clouston still feels able to characterise the men of Summerdale as 'the descendants of Thorfinn's warriors',<sup>3</sup> and the

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1. REO, p. xxx.

2. Clouston, History of Orkney, 214.

3. REO, p. xlvi.

West Mainland of that time as 'the land of Torf Einar's swordsmen, whose "blood and riots" still kept the sheriff busy for more than a century after Summerdale'.<sup>1</sup> In fact for him the decisive period in changing Orkney irrevocably is the sixteenth century, especially its second half. He gives the death of Patrick as the date that 'the history of the "country of Orkney" ends, and the annals of a remote Scottish county begin'.<sup>2</sup> Orkney and Shetland after the Stewarts, annexed to the crown and leased to tacksmen, shorn of their separate legal system, completely isolated from their former overlord, were of little account; but in Robert's time it was still possible, as it had been in past centuries, for one man to obtain 'almost complete control over the destinies of the islands and their whole inhabitants'.<sup>3</sup> It was Robert and Patrick's misuse of that peculiar freedom that was the most decisive factor in making an end of old Orkney.

This emphasis on the importance of the later 16th century in changing the face of the Northern Isles demonstrates the second reason for Clouston's relative lack of interest in the later period - namely, his dislike of the increasingly strong Scottish influence to be found there. His lack of sympathy with things Scottish (a quality he shares with some of his predecessors) can perhaps be seen in his oddly English-sounding description of examples of the illustrative relics of the past that he so misses. His reason is not perhaps a general Scotophobia (though his treatment of Summerdale shows a strong dash of what can only be called Orcadian nationalism) but more a strong

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1. Clouston, History, 290.

2. Ibid., 329.

3. Ibid., 300.



conviction that the Scottish influence has been generally pernicious - 'It may seem a hard thing to say, but certainly, to all visible appearances, the first advantage Orkney ever gained from becoming part of Scotland was the privilege of becoming part of Great Britain'.<sup>1</sup> He does note points which might cause one to dispute this - Montrose's impressments, the naval pressgangs (still a potent image in the popular mind in Orkney) and the comparatively slow spread to the Northern Isles of the supposed benefits of the Union of 1707, and he freely concedes the point that it was, ironically, with the formation of 'Great Britain' and the relief of the islands from the attentions of Patrick, that the old semi-independent Orkney and Shetland came to an end once and for all.

In saying what he does about the relationship between Scotland and Orkney, Storer Clouston voices a view common to this day to both Orkney and Shetland, a suspicion of Scotland and a fear that her general interests may conflict with those of the Northern Isles. It is a view reflected today in the especial distrust, in an otherwise lukewarm country, of the idea of a separate Scottish legislature. However, what may be a perfectly reasonable apprehension when viewing modern political developments in Scotland results in Clouston's albeit invaluable historical work in a tendency to see the affairs of the North in the sixteenth century in too rigid nationalistically-defined terms, to ignore or play down the strong Scottish connections of such as the Sinclairs, to assume that the Scottish government's

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1. Clouston, History of Orkney, 363.



sole interest in government in the islands was that of keeping them quiet at any cost, and to over-emphasise what remained of Norse influence. This would seem to be a view which he has bequeathed to Mr Brown. It is no doubt true that Scotland's rulers had little understanding of the complexities of Orkney and Shetland's social, legal and political structure. However, to see the problems of Orkney and Shetland purely in terms of 'Scottish misrule' is greatly to oversimplify what was an exceedingly complicated political picture.

As we have seen, the forces involved were many and varied. First there was the crown itself, at times seeming to have a settled policy towards the islands, but in turmoil, with minorities, regencies, a civil war, an English invasion, and the reform of religion all blighting the possibility of organised and consistent government. Then there were the Sinclairs, at the impignoration and for about 60 years afterwards the greatest of the Orkney families, fighting among themselves for what remained of the power they had lost, but gradually losing influence, especially after the death of Sir James Sinclair of Sanday. The church was another factor, at times a channel for Scottish royal power as it had seemingly been since before 1468, but only as strong as its bishops and, perhaps, its bishops' contacts at court; the contrasting careers of Reid and Law on the one hand, and of Bothwell and Andrew Painter on the other would seem to testify to this, and Bothwell's experience rather indicates that ecclesiastical power could be an agent for other than royal ambition. Scottish incomers such as the Bellendens, Bruces and Balfours helped to create a further disturbed political climate, while the older udal families suffered those pressures that feudalism

tended to exert whenever it came into contact with pockets of allodially held land. Finally there was the Danish crown, its wearers still perhaps with some hope of fulfilling the promise in their coronation oath as kings of Norway by regaining control over Orkney and Shetland, but their voices growing fainter throughout the period.

Added to all these factors was an all-important confrontation of institutions and attitudes. This is seen by Clouston and others as being between Orcadian and Shetlander on the one hand, and Scot on the other; but in fact it was a confrontation which had taken place from time to time in all the lands of the old Norse empire since the late ninth century - a confrontation between the power of local assemblies and that of centralising royal power. It is true that the Scottish element in Orkney and Shetland's special form of this crisis perhaps heightened the shock to the island communities; indeed it is evidence from Robert's time, and especially the complaints against Bruce of Cultmalindie, which shows just how strong the contrast between Scots and Norse law and culture really was. But if we look outside the Northern Isles to their fellows in the string of territories between Norway and Vinland we find from quite early times variations on the same theme. Norwegian kings from Harald Fairhair onwards had sought to establish long lines of political power over the localities of Norway and the increasingly far-flung Norse lands. At the same time increasingly centralised royal power was spurring emigration across the North Atlantic.<sup>1</sup> In the end it was royal power which won

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1. See e.g. Laxdaela and Egil's Sagas.



a victory of sorts, but it was Orkney and Shetland's peculiar fate to become subject to the direct rule of their nearest neighbour rather than that of Denmark, the power which gained control over their traditional suzerain. How Orkney and Shetland would have fared had this not occurred is a matter for pure speculation. They would perhaps have escaped the Stewarts, but had the Danish kings obtained the control over the earls which they appear to have sought, the islands might well have fallen foul of the trade monopolies which bedevilled the other Norse territories and which, it has been suggested, actually killed off the early colonies in Greenland.<sup>1</sup>

However, while attempting to caution the student of Orkney and Shetland history against accepting uncritically the somewhat simplistic traditional analysis of the relationship between the Northern Isles and growing Scottish influence, it is still very easy to see why such a view is so persuasive, and nowhere more so than in the case of Robert Stewart.

With a period of rule much longer and better documented than that of the rapacious Menzies of Weem, and with a character free of questionmarks which hang over that of his son Patrick, Robert's reputation has been uninterruptedly odious from his death to the present day. Provost Craigie's allegation in the 17th century that he destroyed the charterchest of Kirkwall has been mentioned, but perhaps the first general posthumous description of his doings came

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1. The Vinland Sagas, 21-2.



from bishop Graham. Writing less than 50 years after Robert's death, in a passage since quoted by many scholars, Graham said of him:

'... Robert Erle of Orkney... obteyned a few of Orkney and Shetland: and thairupon intendit to stres the Udillandis [sic - probably a mistake for Udillaris], and augment a rental on these their landis. He ceased fra it, and found ane uther way to doe his turne... [he exchanged lands with bishop Bothwell and became] bishop in omnibus and set his rental of teyndis upon these Udillandis above the availe, yea triple above the availe'.<sup>1</sup>

This passage indicates that the contemporary causes for complaint against Robert were still well remembered in the 1640s. At the beginning of the following century Brand, an observer presumably less well versed in the events of Robert's time than bishop Graham, nonetheless had a poor opinion of the earl. Besides noting the supposedly treasonable inscription concerning Robert's building of the palace of Birsay, he also deplored a further motto set above Robert's arms - sic fuit, est, et erit:

'which was a piece of too great arrogancy for any Man to assume that unto himself, which properly belongs to the son of GOD, whose wise Judgement is not unworthy of our Remark, that now only it can be said of his House and Family now extinct, sic fuit: which that great king Nebuchadnezzar knew to his experience, That those who walk in pride, God is able to abase'.<sup>2</sup>

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1. Peterkin, Rentals, iii, 20-1.

2. Brand, A Brief Description of Orkney, Zetland, etc., 31.

One feels perhaps that it was not merely the ill-chosen quotation which antagonised Brand, but Robert's reputation in Orkney which had formed Brand's opinion before he ever set eyes on the palace. Subsequent accounts have been scarcely more flattering.

Looking back on what has been written in earlier chapters, therefore, it would appear that the hitherto general view of Robert's character must still hold. The task of this thesis, has thus been to illuminate rather than rehabilitate. It may be suggested that much has been found to illustrate the career of the earl, his influence on Orkney and Shetland, his relations with the Scottish court, with fellow-Scots in the Northern Isles, and with his own relatives. Some points of belief may have been corrected, our knowledge of others broadened, but in the end any re-assessment of Robert's character finds itself reaching generally the same conclusions as Clouston and Balfour, despite reservations about some of the interpretations of the former, or about the factual basis for some of the assertions of the latter.



## APPENDICES

### I. The Date of Robert Stewart's Birth

Robert Stewart attained his 14th birthday some time between 14 February 1547, the date of the last recorded grant of Holyrood lands by him with Alexander Myln as coadjutor (Holyrood Chrs., 262-3), and a date shortly before 4 June 1547 when Alexander Strang, macer, was paid for executing a charge on him in his own name, (TA, ix, 80).

This would suggest that he was born between 14 February and 4 June 1533. This period can perhaps be narrowed to 26 February-2 June 1533, since Robert was not included in his father's first petition to the pope on behalf of his sons on 26 February 1533. The first contemporary reference to his existence was on 30 August 1534, when the papal dispensation setting aside the birth defects of four of the king's illegitimate sons referred to him as being in his first year, (Moray Papers (HMC), vi, 670). If we accept that 'in his first year' means that at the time of drafting he had lived less than one year, then this would suggest that he was born some time after 30 August 1533. However, it would seem likely that the drafters of the dispensation, in describing the young Robert's age, merely copied the description from the original petitioning letter. If true, this would put the earliest date for Robert's birth back before August 1533. Other papal petitions by James received replies dated in Rome at differing periods of time after the letters which solicited them. The king's letter concerning the possible divorce of Margaret Erskine was written in April 1536, (Andrew Lang, History of Scotland, i, 438-40), and a reply was sent on June 30 the same year (James V Letters, 320). James's appeal for leave for Alexander Myln to set the lands of Holyrood in tack, dated 5 June 1540, (Ibid., 399), was given consent by a brief of 22 August, (ADCP, 512). 2-3 months would seem therefore to be a reasonable lapse of time between a letter in Edinburgh and its reply in Rome. The dispensation of 30 August might therefore have been in answer to a letter written in early June. If we may stretch the period of time between letter and reply - because, for example, the letter was actually adding another son, Robert, to a request already made on 26 February 1533 (Fleming, The Reformation in Scotland, 113-5), or that the pope had misgivings about how the king was going to act on this dispensation - then we arrive at a date for James's letter of April or May 1533. This would narrow the period within which Robert's birth falls to 26 February-late May 1533.

The only piece of evidence so far uncovered which fails to agree with this is the reference to Robert's being in his fifth year in a letter from his father to the pope seeking the commenda of the abbey of Holyrood for his son (James V Letters, 357). This is dated 16 December 1538, and if we take the phrase 'in his fifth year' to mean that he was at this time less than five years old, as was done earlier, then the date of his birth must have been on or after 17 December 1533.

The answer to this appears to lie in the rather loose phraseology used at this period when referring to age. For example, the end of Alexander Myln's supervision of the administration of the Holyrood lands was to be when Robert reached 'the xliii year of his age' which



given Scottish practice regarding majority must mean what we would understand by the onset of his fifteenth year. The same would appear to apply to the reference just quoted, but not to the phrase as used in Robert's legitimation, because if the foregoing evidence and inferences are correct, then Robert Stewart could not have been born on the date this would suggest. It seems more likely that what is meant in this case is that on 16 December 1538 Robert Stewart was more than five years of age. That being so, the document is no longer at variance with our conclusion regarding Robert Stewart's age, though unfortunately it does not enable us to define any more narrowly the date of his birth.

It should perhaps be emphasised that the question of age in general does not appear to have been treated with any accuracy at this time, and certainly not by James V with regard to his sons. Besides the apparent minor inconsistency regarding Robert, there is a more obvious error involving John. In the king's letter to the pope of 5 April 1541 requesting for the boy a pension from the see of Orkney (James V Letters, 423), John is stated to be 'in his seventh year or thereabouts'. Even the king appears to have recognised this as an error, as a letter of the same year regarding the commenda of the priory of Coldingham (James V Letters, 426-7) stated that he was 'about nine'.

Later accounts of Robert Stewart's age given, for example, in the periodic descriptions of the Scottish nobility in English diplomatic correspondence (Letters of John Colville, 322-3; CSP Scot passim) appear to be estimates only. Archdeacon Craven gives 1537 as the date of birth (History of the Church in Orkney, 58) and this error is repeated by Hugh Marwick (Orkney, 95). Unfortunately, neither author cites an authority for this date.

## 2. The Illegitimate Sons of James V

Biographical details are available for three of James's illegitimate sons: James secundus is the subject of a full-scale biography in Maurice Lee, James Stewart, Earl of Moray; John's career is described in Mark Dilworth, 'Coldingham Priory and the Reformation'. (IR, xxiii, (1972), 126); Robert secundus has some details given for him in Gordon Donaldson, 'The Bishops and Priors of Whithorn', (TDGNHAS, 3rd series. xxvii (1950), 147).

Letters of both James senior and John can be found in Correspondence of Mary of Lorraine, and of Robert secundus in The Correspondence of Sir Patrick Waus of Barnbarroch, although not as many as might at first appear in the latter instance, since the index to this work treats both Roberts as one. There are references to John's education and authorship in Donaldson, 'Stewart Builders: The Descendants of James V' (The Stewarts, xiv, 116), and there are notable references to James senior in Selections from the Records of the Regality of Melrose (SHS, 1917).

The two most obscure of James's sons are James tertius and Adam. The



references to James tertius are such as to make it virtually certain that he died in infancy. The first reference to his existence is as 'the king's son with Cristiane Berclay' in 1533 (TA, vi, 180). On 28 October he was included in a remainder of the lands of Douglas, after James secundus but before Robert. This may suggest that he was older than Robert. There is a reference to provision for him in 1534 (TA, vi, 196) and finally he was included in a remainder of the lands of Tantallon in 1536, this time after Robert. The fact that he was not included in the legitimation of 1534 suggests (rather as does the omission of John from the remainders) that he was not in good health. His health may later have improved somewhat, but it seems fairly obvious that he died in or shortly after 1536.

Adam Stewart is generally stated to have been the son of Helenor (sometimes referred to as Elizabeth) Stewart, daughter of John, third earl of Lennox, though it has not been possible so far for the present writer to find a primary source stating this explicitly. The best that can be done to establish the relationship is to note the various pieces of evidence for a close connection between Adam and James VI (see below) and also the statement in a papal dispensation for Helenor Stewart's marriage to John, tenth earl of Sutherland 'Jacobus quintus qui ipsam Eleonoram carnaliter cognoverat' (Fraser, The Sutherland Book, 108n.). (It may be that this dispensation gives more explicit recognition of Adam as Helenor's son, but it has not proved possible to examine the original). A reference to the Edinburgh Commissariot Testaments as a source has so far proved mysterious (Dunbar, Scottish Kings, 239). The date of his birth is unknown (though, as will be suggested, he was probably younger than Robert).

In the Scots Peerage and other works he is invariably referred to as 'Prior of the Charterhouse of Perth', but none of the evidence dating from his lifetime suggests that he ever held this dignity; the first reference to him as prior occurs on 3 April 1577, two years after his death (RSS, vii, no.1003). He did however receive a pension of £500 per annum from the fruits of the Charterhouse on 17 November 1561 (RSS, v, no.915), and is thereafter designated pensioner on several occasions (Reg. Deeds (1st series), v, 129; ix, 451). The contracted form of the word 'pensioner' seems very likely to have been read as 'prior' by a later copyist, and the error perpetuated in the privy seal register.

It is, moreover, difficult to see when he could have been prior. Simon Galloway is named as holding this office in 1544 (James VI Hospital Mun., SRO GD.79/2/58) and eight years later, in 1552, Adam Forman is so described. The latter was in office in 1567, when he received licence to go abroad (RSS, v, no.3435). This licence discharged all pensions given from the teinds or fruits of the priory 'and specialie the pensiou grantit thairto to Adam Stewart...' In neither this document nor in that granting him his pension is Adam Stewart designated, either as prior or as natural son of the late king, though the latter does describe him as 'remaning at Perth'. Forman was escheated in 1568 for non-compearance before regent and lords and the gift of his escheat was granted to George Balfour, son of Andrew Balfour of Montquhanny (RSS, vi, no.297). Balfour was still designated commendator of the priory as late as 1588 (James VI Hospital Mun., SRO GD.79/6/20-2). In fact the only reference to any office



in the priory held by Adam Stewart in his lifetime occurs in the Exchequer Rolls for 1560 where, in the account of Thomas Scott, custumar of Perth, he is 'alledged to be factor thereof' (ER, xix, 109).

There are several references to Adam Stewart's pension from 1562 on, in none of which is he designated (Thirde of Benefices, 40 and n, 53, 90, 155; RPC, i, 250). In 1565 he concluded a contract with Adam Forman whereby he assigned his pension from the priory to Forman in return for which Forman himself would pay the pension 'until further order be tane on the ecclesiastical benefices' (Reg. Deeds, viii, 61). The pension was officially abolished in 1567 on Forman's departure abroad, but may have been already in abeyance at that time, since when Balfour renewed it on 31 Aug. 1568 (RSS, vi, no.463), it was said not to have been paid for 'divers' years. Why this was is not known, but coupled with the changing fortunes of Adam Forman, it might have resulted from changes at court; if Stewart had been out of favour with the queen for some reason, then her abdication and replacement by Moray's regency might have served to mend his fortunes. On 18 October 1570, commendator Balfour granted him, as 'one of the brethren of the said place [the Charterhouse]', an additional pension of £400 (RSS, vi, no.963). Why he did this is not known, but about eighteen months before there had been reference to his 'urgent and grete neid' in allowing Balfour to redeem half another pension to Adam of 400 merks (origin unknown) by payment of a lump sum of 800 merks (16 Apr. 1569, Reg. Deeds, x, 193). This deed, as was customary, Adam Stewart agreed to register in the books of Council and Session; however, he did not do so, and he made no response to letters raised by Balfour to compel him. In the end Balfour was permitted to register the deed himself, on 13 March 1570.

Adam Stewart appears therefore to have been altogether out of sight at this time, and in view of later evidence it is tempting to conjecture that he was now in Orkney. However, when he is first mentioned in connection with Robert's northern affairs, he is in Edinburgh. On 1 Nov. 1572 he witnessed a contract between Robert's servants William Elphinstone, John Dishington and James Hay, and two of his Edinburgh agents, James Marshall and William Menteith, concerning the sale of Orkney produce (Reg. Deeds (1st series), x, 211). This was the first, and only, reference to an involvement by Adam in Robert Stewart's affairs. Three years later, however, on 20 June 1575, he died in Orkney and was buried in St Magnus Cathedral (RCAHMS, Inv. O & S, 132). His tombstone was raised by 'domina de Halcro' - Barbara, one of his several children, who had married Henry Halcro of that ilk. What he was doing in Orkney has so far proved inexplicable. Presumably he arrived there as a result of his brother's influence, though his purpose is mysterious. The marriage of his daughter to an Orcadian suggests that he may have taken members of his family with him, but his wife's testament, registered in the Commissariat of Edinburgh, contains no reference to Orkney, and entries in the inventory, as well as designations of witnesses, suggest that at her death in Jan. 1606 she was still an inhabitant of Perth (Edin. Tests, SRO CC.8/8/41). No contemporary reference of any kind to his being in Orkney has so far been found, and in the absence of further material the matter must rest.



Not only is Adam's connection with Orkney mysterious, however; his relative obscurity is also. There is little doubt of his connection with the royal family. On 6 Oct. 1571, his pension income was assigned to other sources as a result of legislation concerned with assumption of thirds of benefices, which had caused the pension's previous sources to be appropriated (RSS, vi, no.1303). In this document he was accorded the epithet of his majesty's 'lovit'. After his death on 3 April 1577, his wife was granted a pension of fifty pounds and a quantity of victual from the thirds of the Charterhouse not assigned to ministers, being 'gritlie burdynnit with mony bairnis and not being providit for' (RSS, vii, no.1003). The terms of this gift were changed and the sum of money doubled on 11 April, one of the reasons for the assistance being that the 'bairnis' were 'so tender of bluid unto him as his majestie man be cairfull that sum releif may be had unto thame' (RSS, vii, no.2316). Incidentally, these last deeds were the first to designate Adam 'prior' of the Charterhouse.

Adam Stewart was apparently a monk at Perth, though an atypical one if descriptions of the standards of the Charterhouse in the years before the Reformation are accurate (e.g. Hogg, 'Sidelights on the Perth Charterhouse', IR, xix (1968), 168). Forman, the last true abbot, was sufficiently conscientious to spend the remaining years of his life after 1567 in exile, still in the service of his order, as prior of various houses on the continent. Stewart, on the other hand, married and had several children. What is curious, however, is why Adam did not share in the massive appropriations of commendatorships which James V made on his sons' behalf. One reason which may be suggested is that he was probably born very late in his father's life, and at the latter's death was well short of the age of five years at which James seems generally to have promoted his sons. Helenor Stewart's age is unknown, but if it was in any way comparable to that of her first husband - the earl of Erroll who died in 1541 at the age of 20 - then she might well have been too young to attract the king's attentions until late in his life.

### 3. The Lands of Holyrood

The best list of the lands of Holyrood as they were about the time of Robert Stewart's tenure of the commenda (1539-68) so far found is in a rent roll contained in the Book of Records of the Ancient Privileges of the Canongate (SRS, 1955), p. 40. It is undated, but as it appears to show the lands entire, it must date from before 1587, when the church lands and baronies pertaining to the abbey were disjoined (APS, iii, 431). It is a somewhat confusing document in that several territories which pertain to the baronies are given the same separate itemised treatment as the baronies themselves are. For example, Slipperfield to which the rental gives separate treatment was in fact part of the barony of Broughton (RMS, iv, no.2380). Despite the uncertainties, however, it seems to be the most complete list available.



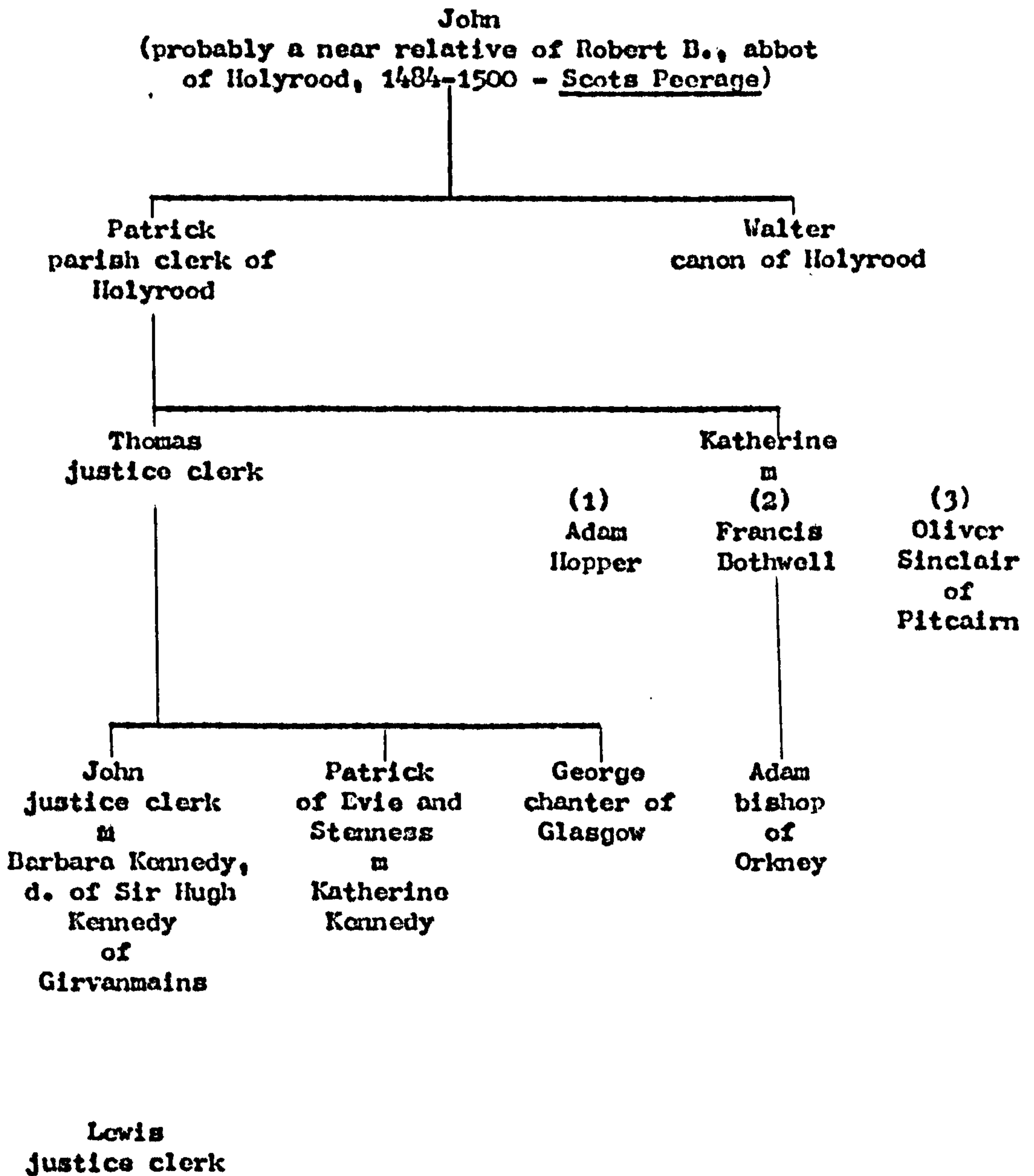
#### 4. Robert Stewart's Sojourn in France

It is difficult to say with certainty what Robert Stewart did in France. While it is possible that he studied under Peter Ramus with his brothers, several things suggest that this may not be the case. In the first place, Nancel, author of Petri Rami Vita and one of the sources for the tradition of Ramus' involvement in the boys' education is cited as saying 'Stuarto Scoti regis filio utrique' studied under the French humanist (D.W. Doughty, 'Library of James Stewart, Earl of Moray, 1531-70' IR, xxi, (1970), 25) Doughty suggests that the use of the word 'utrique' in this instance may mean that two sons were involved, and that these two were John and James. It is possible that the Latin usage of the period might have been loose enough to accommodate the employment of the 'utrique' simply to mean 'each' rather than each of two. However, of the three brothers who went to France, only John and James had previously matriculated at the University of St. Andrews and if, as Maurice Lee suggests, this meant that under the academic system of the time they were nearer the end of their courses than the beginning (Lee, James Stewart, Earl of Moray, 18) then it would appear that their education had been carried to a considerably more advanced stage than Robert's before they went to France. Thus the suggestion that only John and James studied under Ramus is given more credence. Doughty examines the evidence for Ramus' influence on James in his article, and certainly James's evident ability and decided religious views make a period under Ramus seem likely in his case. John, a more shadowy figure, is nonetheless said to have published a book while in France (Donaldson, 'Stewart Builders: The Descendants of James V', The Stewarts, xiv, 118), which suggests that he was of some learning, even if he lacked the character of his brother.

In the end therefore, the only real evidence that Robert received attention from Ramus is that he was in France for educational purposes at the same time as his brothers and the case for his having been educated by Ramus must be found not proven.

## 5. Genealogies

### A. The Bellenden Family





D. The Bothwell Family

William  
dean of guild, Edinburgh

Francis  
merchant, Edinburgh

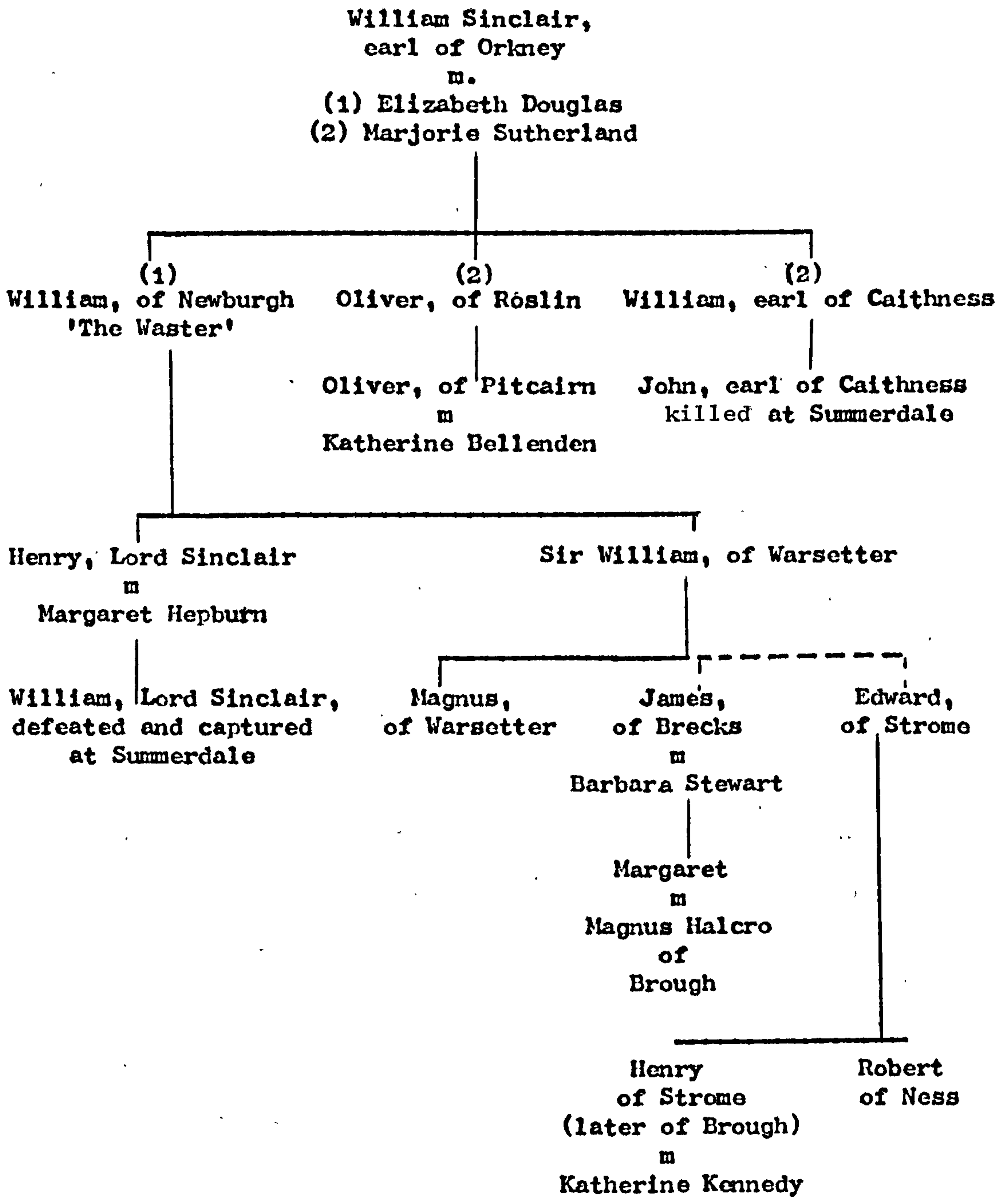
m

(1) Janet Richardson (2) Katherine Bellenden

David      William      Margaret  
             parson        m  
             of                (1)  
             Ashkirk        John  
             (d. 1552)        Arthur  
                             (2)

Gilbert Balfour  
of  
Westray

Adam      Janet      Isobel  
bishop        m  
of                Archibald  
Orkney        Napier  
                 of  
                 Merchiston

C. The Sinclair Family

## 6. Henry and Robert Sinclair and their wives

It was Adam Bothwell's contention, in his letter to Archibald Napier of Merchiston, dated 5 Feb. 1560 (Napier of Merchiston, 68) that Henry and Robert Sinclair - in their activities against him, were 'instigat be the justice clerk, quha maryet with thaim twa sisteris'. Mark Napier assumes that these were Bellenden's own sisters, and this assumption is followed by the Scots Peerage's entry relating to the Bellendens of Broughton. However, there seems no reason to suppose from the context of the letter (which says no more about them than what has just been quoted) that these ladies were anything more than sisters of each other, though they must presumably have had some significant link with Bellenden for him to act as marriage broker for them. Given the evidence for the identities of the hitherto mysterious Henry and Robert, we know Henry Sinclair's wife to have been Katherine Kennedy (RSS, v, no.1419); the name of the wife of Robert Sinclair is unfortunately unknown. Sir John Bellenden's wife, whom he married in 1554, was Barbara Kennedy, a daughter of Sir Hugh Kennedy of Girvanmains. It seems possible, therefore, that Henry and Robert's wives were drawn from Bellenden's in-laws rather than his blood relatives. What is especially interesting, however, is that after Henry Sinclair's death around 1563, Patrick Bellenden, the justice clerk's brother, married Katherine Kennedy, and appears virtually to have stepped into Henry Sinclair's shoes - even to the extent of taking over his lands. Although Henry Sinclair's designations in all references dating from his lifetime were either 'of Strome' or 'of Brough', he is designated 'of Evie' in a bond of maintenance granted 21 March 1588 by Robert to Sinclair's sons, William, Edward and Oliver. By the terms of this, Robert undertook, in return for service, to secure for them their heritage, taken from them by their stepfather during their nonage. (Irvine of Midbrake Papers, SRO microfilm ref. RH.4/35/388/41).

This connection through the Kennedys is also significant in that it draws Bellenden of Auchnoull, the Orkney Sinclairs and Robert Stewart himself together through marriage ties. Bellenden's wife was a granddaughter of David, first earl of Cassillis, Robert's wife Jean being a daughter of Gilbert, the third earl. Robert later strengthened these links through his friendship with Sir Patrick Waus of Barnbarroch, his brother-in-law and guardian of his son Patrick, who was married to Jean Kennedy's sister, another Katherine. The family background of Laurence Bruce of Cultmalindie's wife, Helen Kennedy, is not known, but it seems quite likely that she was of the same family. (See also Mooney, 'Kennedys in Orkney and Caithness', POAS x, (1931-2), 17-20).

## 7. The Bellenden Correspondence

The undernoted letters are now among the Bellenden papers in the muniments of the duke of Roxburghe at Floors Castle, the main line of the Bellenden family being among the duke's ancestors. The Roxburghe Papers are at present in the process of being re-surveyed (National Register of Archives (Scotland) survey no.1100) and the letters constitute bundle no.1634. Besides these, the Bellenden papers contain



a considerable body of other material relating to Orkney and Shetland.

Except where otherwise stated, all letters are to Sir John Bellenden of Auchnoull, justice clerk, and are dated at Kirkwall.

1. [1567], Nov. 16  
William Henderson, concerning his problems in gathering Bellenden's rents from Orkney and Shetland, and Robert's activities, including his arrangement with Gilbert Balfour regarding the sheriffship and the keeping of Kirkwall Castle. Patrick Bellenden has left the islands under a cloud.
2. [1568], Feb. 4  
William Henderson, concerning further difficulties with the rents of the northern estates of Bellenden and his wife, also Robert's affairs, including as yet obscure dealings between him and Bellenden and his dispute with Patrick Bellenden.
3. [1568], Mar. 20  
William Henderson, concerning a fight in St Magnus Cathedral between Robert's men and those of the bishop, in which one of the former and two of the latter have been killed, and appealing for Bellenden's assistance in settling matters, making assythement and smoothing the differences between Robert, Patrick Bellenden and bishop Bothwell.
4. Date as no.3 above  
William Henderson to Patrick Bellenden of Stenness (Stenhous), stating that Robert Stewart believes him to be responsible for the fight in the cathedral and asking him to settle matters with Robert otherwise 'I persaif na rest to you in this cuntrie'.
5. Date as no.3 above  
Lord Robert Stewart, concerning the fight in the cathedral and seeking the justice clerk's help in effecting excambion of Robert's living of Holyrood with that of the bishop and Bellenden's lands in Birsay for Robert's barony of Kerse.
6. [1568], Mar 31  
Lord Robert Stewart, concerning the excambion and offering the justice clerk the bailiary of Kerse. He is unable to come south without guarantees from his brother the regent, and believes that Patrick Bellenden has formed a bond against him, but is prepared to take him back in favour for his brother's sake. Edmund Blacater and the laird of Beinstoun, followers of Bothwell whom he had sent south for punishment, have escaped. Although it was not Robert's fault he fears that the regent will suspect him.
7. [1568], Apr. 26  
Lord Robert Stewart, concerning Patrick Bellenden and their dispute; he seeks Bellenden's intercession with the regent to enable him to come south.

8. [1568], June 1 (Scalloway)  
William Henderson, concerning Robert's views on 'the hail motyve and accasioun of the takyng of the kirk', and naming those whom he deems responsible for plotting against him and forcing him to take the 'stepill'. Robert is determined to hold on to what he has gained in Orkney, and Henderson thinks it advisable for Bellenden to give Robert his support.
9. 1569, May 21  
Lord Robert Stewart, concerning his dispute with bishop Bothwell and Bellenden's part therein. In speaking of the escheat of John Houston, Robert states that he understands that Bellenden is 'resolute ineucht' in support of Robert's pretence to quasi-royal power with regard to escheats.
10. 1569, June 2  
Magnus Halcro of Brough, regretting the excambion between Robert Stewart and the bishop and bemoaning his fate. He looks for Bellenden's support in the face of Robert's antipathy, the more so as he understands that Robert has received land which lies runrig with his own lands of Brough; if such a grant is perfected 'it will at schorttyme returne to my trublis and wrak...'
11. 1569, June 5  
Lord Robert Stewart; he has sent Janet Livingston south to fetch his son Harry from Bellenden's custody. He has 'put fra' him James Menteith, the man whom he understands is the main reason for the antipathy between him and the justice clerk's brother Patrick. He denies Adam Bothwell's contention that his 'evidents' constitute diminution of the rental, and seeks to defend them at some length.
12. 1569, June 10  
Lord Robert Stewart, concerning his dispute with bishop Bothwell. He has written to the regent explaining his side of the case. He will perform to Bellenden's satisfaction all that he has undertaken with regard to the justice clerk, but is concerned to hear that Bellenden's son Lewis has been infeft in the lands of Birsay. He also seeks Bellenden's help should James Menteith attempt to make any complaint about him to the regent.
13. 1569, June 14 (Holyroodhouse)  
Adam Bothwell, concerning various of his troubles, including a case before the lords in which he is involved, and disputes with the bailies of the Canongate. He seeks Bellenden's support in the case of the former, and also in seeking to summon Robert and his chamberlain in order that they may settle up their past intromissions with the abbey of Holyrood.
14. 1569, July 8 (Edinburgh)  
Adam Bothwell, concerning the pressures of his creditors, and regretting Bellenden's lack of assistance. His servant William Bothwell has returned from Orkney but due to Robert's activities was prevented from taking up any of the bishops arrears' ... sua that I may be eittin up be my creditors'. He also makes



reference to his administration of the abbey; he is seeking the enlistment of the abbey canons in local pastoral work, a measure reminiscent of his reforming activity in the bishopric of Orkney.

15. 1569, July 24 (Dalquharran, Carrick)  
Patrick Bellenden of Stenness (Stenhous), concerning Robert's apparent attempts to settle the differences between them. He thanks both Bellenden and Robert, but states that he must be restored to his lands and offices in the north before he can make any promises of faith to Robert. He sends condolences to his brother on the death of his daughter Katherine.
16. 1569, September 26 (Holyroodhouse)  
Adam Bothwell, largely concerning the troubles of his administration of the abbey; however he thanks Bellenden for a letter written to Orkney concerning his dispute with Robert, and seeks further approaches from Bellenden on the matter.
17. 1569, September 27 (Holyroodhouse)  
Adam Bothwell, largely concerning confrontation with an angry crowd of Canongate burghers concerning carriers of the plague, though he also discusses Bellenden's advice to consult 'wyis men' concerning his troubles with Robert.
18. 1569, October 1 (Holyroodhouse)  
Adam Bothwell. His servant William Hay has come south from Shetland, but was not very successful in securing arrears, as they had all been taken up by William Lauder, Bothwell's chamberlain there. However Robert has sent Lauder south with his own servants and Bothwell intends to seek redress from him because 'James Hay sayis (?me) that the honest menn off Orkney schew him that William's wilfulness in uptaking boll for boll hes caussit me to half samekle restis...'.
19. 1569, October 3 (Holyroodhouse)  
William Bothwell. He has received Bellenden's letter instructing him to pass to Orkney to gather Bothwell's arrears. He wishes William Rynd to be created officer so that he may poind and distrain where necessary, and also that charges be made to Robert 'till caus me be abayit and assurit of the rests...'.
20. 1569, October 6 (Holyroodhouse)  
Adam Bothwell, concerning William Bothwell's trip to Orkney to collect arrears. He intends to send Malcolm Sinclair as officer with Bothwell, and seeks Bellenden's influence with Robert to ensure that his business be not 'retardit'. He grieves greatly to be so much in debt 'be the wicked using of my chamberlains' and asks assistance in prosecuting William Lauder.
21. 1569, October 14 (Holyroodhouse)  
Adam Bothwell, commiserating with Bellenden that as a result of events in Orkney 'on ather syid we ar in that povertie that nather of us may help uther'. Bellenden's distress is more grievous to him than his own. He has, however, succeeded in



compelling William Lauder to subscribe accounts, and seeks Bellenden's assistance in procuring from the regent a grant of arms to enable a messenger to further their business in the north.

22. 1569, October 17 (Edinburgh)

Adam Bothwell, discussing what appears to be Robert Stewart's letter to Bellenden of 5 June 1569 (no.11 above) 'quhilk how preiudiciall war to me your Lordship is wylis enowch to consider seing that he can be content of na thing bot that quhilk wil wraik the small heretage that I haf...'. Wise men that he has consulted do not think Robert's documents legally competent, and he has made out certain charters of his own; these he wishes Bellenden to see before the next ship passes away north. He again seeks Bellenden's assistance in the creation of an officer of arms. He has received an obligation from William Lauder, with Laurence Bruce of Culmalindie and Andro Williamson, burgess of Edinburgh, as cautioners. He also requests Bellenden's help to get 'the commission fra my lord regent to cognosce upon the ministeris stipends', and includes a list of 'unpayit' kirks in Galloway pertaining to the abbey of Holyrood.

23. 1569, October 30 (Holyroodhouse)

Adam Bothwell, largely concerning his trouble in deriving income from the abbey lands in Galloway, but also mentioning again his desire for an officer of arms to be appointed to do his business in Orkney.

8. Escheats and apprisings in Orkney and Shetland under Robert Stewart

NB. cw = cowsworth; f = farthing; m = merk; set. = setting

Name	Reason	Land	Date	Reference
William Clouston	Theft	1 m., Grimeston, Harray; 3 m. in Kirbister, Orphir	1.3.4.1574	REO, 291, no. clxxiv; Rentals, 11, 26; Oppressions, 8; OSR, 193, no.70
Ola Anderson	Departing for Norway without leave	1 m. in Hammer, Unst	6.1574	OSR, 195, no.71
Sir James Sinclair of Sanday	Suicide	?	1575	Oppressions, 9
William Wishart	Suicide	?	1575	Oppressions, 9
Sir David Sinclair	Suicide	?	1575	Oppressions, 9

Name	Reason	Land	Date	Reference
Magnus Halcro, John Muirhead, Margaret Sinclair	?	Udal, in Gairsay	Before 9.2.1576	<u>RPC</u> , 11, 488, 517
William Irving of Sabay	Harbour- ing out- law	Movables (Remitted)	Before December 1583	Irvine of Mid- brake Papers SRO ref. RH.4/ 35/388/41
Magnus Sinclair	Theft of land	5 $\frac{1}{2}$ d in Bra- bister, 3d in Havell, 2d in Swart- abreck, St Andrews and Deerness	Before 21.8.84	<u>REO</u> , 304, no. clxxxvii
Janet and Katherine Halcro and their spouses	Debt	5 $\frac{1}{2}$ d in Brough, Rousay	12.11.1584	<u>REO</u> , 160, no. lxxiii
Oliver Sinclair	'Crim- inal causes'	2d in Over Quholm, 1d in Bowbreck, $\frac{1}{2}$ d in Garson, Stromness	19.1.1585	<u>REO</u> , 305, no. clxxxviii
Thomas Moodie	?	2m in Flaws, South Ronaldsay	20.2.1585	<u>REO</u> , 165-6, no. lxxiv
James and John Germiston	?	Udal, in Germiston	Before 4.9.1587	<u>REO</u> , 311, no. cxciii
James Corri- gall, elder and younger	?	land in Corston, Harray	Before 4.9.1587	Storer Clouston Papers, Orkney Archive ref. D.23, no.159.
Magnus Begg Alexander Suth- erland, Magnus and Thomas Davidson	?	?	Before 4.9.1587	Morton Papers, SRO ref., GD.150/1650

Name	Reason	Land	Date	Reference
Janet Lymor; Gilbert, Ola, John Oman, Magnus, James, Margaret Grotsetter	Raising a march stone on king's land	1½d land in Grot- setter, St Andrews	Before 5.9.1587	Miscellaneous [Orkney] Papers, Orkney archive ref. D.8/3/1
Gilbert Irving	?	1½d in Horrie, 1½m in Del- dall, 1½d in Brecks, 1½d in Midhouse, 1½d in Hurt- iso, 1½d in Occlester, Deerness and Holm, also land in Sabay	Before 16.12.1587	<u>Oppressions</u> , 95-6
Alexander Red- land, Marion Sinclair	Theft	1 m. in Dale, 5 s. in Don, Outer Strom- ness	Before 29.8.1588	<u>RDO</u> , 314, no. cxciv
Simon Cur- setter	Theft	tenement in Kirkwall	Before 20.8.1591	Craven Bequest, SRO ref. GD.106/ 81
Stephen Angusson	Failure to return spulzied goods	movables	Before 20.1.1592	Scarth of Breck- ness Muniments, SRO ref. GD.217/ 567
Harry Voy, miller	Debt	½f in Sanday, Deerness	Before 1595	<u>Rentals</u> , ii, 3
Alexander Paterson, Dynina Corner	Theft	¾d in Brad- ustar; ¼d in Midhouse, Deerness	Before 1595	<u>Rentals</u> , ii, 3, 6
William Meal	Theft	1½ set. mailing in Meal, Holm	Before 1595	<u>Rentals</u> , ii, 13
John Reid	Theft	1 m. in Tusker- bister, Orphir	Before 1595	<u>Rentals</u> , ii, 26



Name	Reason	Land	Date	Reference
'The Lar-quoyis'	Theft	2m in Lerquoy, Orphir	Before 1595	<u>Rentals, ii, 26</u>
'The Sinclairs'	Theft	1m in Ingamyro; $\frac{1}{2}$ m in Benth the Gate, Orphir	Before 1595	<u>Rentals, ii, 27</u>
'The Aikers'	Theft	2 $\frac{1}{2}$ m in Aikers; 3m in Skelbister, Orphir	Before 1595	<u>Rentals, ii, 27</u>
'The Sutherlands'	Witchcraft and raising a march-stone	$\frac{1}{2}$ m in Benth the Gate, Orphir	Before 1595	<u>Rentals, ii, 27-3</u>
John Linklater, William Knarston	Theft	$\frac{1}{2}$ d in Knarston, Harray	Before 1595	<u>Rentals, ii, 34</u>
John Linklater	Theft	$\frac{1}{2}$ d in Mirbister, Harray; $1\frac{1}{2}$ f in Sabiston, Birsay	Before 1595	<u>Rentals, ii, 34</u>
Edward Tulloch and his wife	Debt	$\frac{1}{2}$ d in Dimbister	Before 1595	<u>Rentals, ii, 35</u>
Robert Ness	Witchcraft	$1\frac{1}{2}$ f in Ireland, Stenness	Before 1595	<u>Rentals, ii, 38</u>
James How in Ellie	Theft	1m in Inner Stromness	Before 1595	<u>Rentals, ii, 41</u>
Sinclair in Cafoa (?Leafoa)	Theft	1d in Outer Stromness	Before 1595	<u>Rentals, ii, 42</u>
Elspet Marsetter	Witchcraft	$\frac{1}{2}$ d in Wasbister, Sandwick	Before 1595	<u>Rentals, ii, 43</u>

Name	Reason	Land	Date	Reference
?	Theft	1d in Yasnaby, Sandwick	Before 1595	<u>Rentals</u> , ii, 43
William Link- later in Sanday	Theft	half of Warth, Sandwick	Before 1595	<u>Rentals</u> , ii, 49
?Heggrie	Theft	$\frac{1}{2}$ f and tow- mall in Marwick, Birsay	Before 1595	<u>Rentals</u> , ii, 50
Thomas Gyre	Theft	$\frac{1}{2}$ d in Marwick, Birsay	Before 1595	<u>Rentals</u> , ii, 50
John How	Theft	$1\frac{1}{2}$ f in Marwick, Birsay	Before 1595	<u>Rentals</u> , ii, 50
Robert Gyre and his sister	Theft, child murder (respect- ively)	$\frac{1}{2}$ f in Marwick, Birsay	Before 1596	<u>Rentals</u> , ii, 50
James Gyre	Debt	$1\frac{1}{2}$ f in Marwick, Birsay	Before 1595	<u>Rentals</u> , ii, 50
Adam Moir	?	$\frac{1}{2}$ d in Isbister, Birsay	Before 1595	<u>Rentals</u> , ii, 50
Andrew Merriman	?	$1\frac{1}{6}$ d in Isbister, Birsay	Before 1595	<u>Rentals</u> , ii, 50
Nichol Sclater and ? his wife		$\frac{1}{2}$ d in Sabiston, Birsay	Before 1595	<u>Rentals</u> , ii, 51
Alexander Dass	?	1d in Hova, Evie	Before 1595	<u>Rentals</u> , ii, 60
Anne Marsetter	Witch- craft	1m in Hackland, Rendall	Before 1595	<u>Rentals</u> , ii, 64

Name	Reason	Land	Date	Reference
Thomas Berstan	Suicide	$\frac{1}{2}$ m in Widewall, land in Paplay, South Ronaldsay	Before 1595	<u>Rentals</u> , ii, 93
Oliver Sinclair	Theft	$\frac{1}{2}$ d in Ronaldsvoe	Before 1595	<u>Rentals</u> , ii, 94
Jonet of Cara	Witch- craft	20d in Ronaldsvoe	Before 1595	<u>Rentals</u> , ii, 94
Adam Begg	Suicide	8 set. mailing in Blanksetter, South Ronaldsay	Before 1595	<u>Rentals</u> , ii, 94
'The Copelands'	Theft	$\frac{1}{2}$ m land in Sten- sigar, South Ronaldsay	Before 1595	<u>Rentals</u> , ii, 96
John Thomson	Suicide	20d in Marsetter, South Ronaldsay; $\frac{1}{2}$ f land in Serrigar	Before 1595	<u>Rentals</u> , ii, 97
Alison Margarets- dochter	Witch- craft	1cw in Thurvoe, Walls	Before 1595	<u>Rentals</u> , ii, 103



## 9. Robert Stewart's Servants and Followers

The following list consists principally of persons who waited on Robert Stewart during his period as feuar and earl of Orkney. However, in the course of research, material was also uncovered relating to Robert's attendants in earlier periods of his career, and this has been included. The dates in brackets after certain of the names denote the years during which the individual is known to have served Robert Stewart, in cases where the entry is not short enough to make this obvious.

AIKMAN, Mathew. Described (with Henry Balfour, Edmund (Edward) and Patrick Blackadder, James Crosby, John Hume, Alexander McCulloch, Robert Stevenson, David Willie, David Cathcart, qq.v.) as one of Robert's 'household men and feallis', accused of piracy, their prizes including nine 'great ships laden with precious gear - to a value of more than £100,000', and two English ships taken in Shetland, one of which Robert kept 'to his awn commodity', c.1570-4 (Oppressions, 4).

ANGUSSON, David (1590-2). Designated servitor in privy seal grant 20.1.1592 of escheat of father, Stephen A., at horn at instance of William Halcro of Aikers (q.v.) for failure to return goods 'spulzeit' from house of Warsetter, Sanday (Scarth of Breckness Mun., SRO GD.217/567). His father had already assigned him lands in Sanday, 10.8.1590 (Traill Dennison Papers, box 5, no.7) and he was infeft in lands there at Robert's instance, 23.7.1592 (Ibid., box 4, no.9).

AUCHINLECK, Thomas (1576-93). Notary. Born 1550 or 1551 (Prot. Bk., SRO NP.1/36), son of James A. in Perth. Admitted notary 6.1.1576. For two years professional life spent in Perth and Angus, protocol book containing entries dated at Dundee, Montrose, Baff and elsewhere May 1576-June 1577. After latter date no details of whereabouts until 25.9.1585 when he notarised instrument in favour of Laurence Bruce of Culmalindie (q.v.) at instance of Andrew Hawick of Scatsta of land in Scatsta (Prot. Bk. f.13). Thereafter increasingly busy all over Orkney and Shetland throughout lifetimes of Robert and Patrick. First recorded designation as servitor of Robert 6.11.1586 when acted as notary in tack by earl to Thomas Swinton of land in Rennibister, Firth (Fea of Clestrain Mun., SRO GD.31/2). Witness to many of Robert's grants, including charters to Magnus Cursiter of that ilk, 30.5.1587 (REO, 309, no.cxc), Jerome Tulloch, chanter of Orkney, 29.8.1588 (Ibid., 314, no.cxciv) and Alastair Banks (q.v.) 20.8.1591 (Craven Bequest, SRO GD.106/81). His protocol book includes sasine in Robert's favour following confirmation in his lands by king, 16.5.1589 (ff.15-7) and several other deeds involving earl. He was in Shetland July 1587 and July-Oct. 1589; during spring of last of these years he was south, presumably on Robert's business, with John Caverton of Shapinsay, Alexander Kincaid (qq.v.) and others. He died 5.4.1612, his testament designating him Commissary of Orkney (O & S Tests., SRO CC.17/2/2).

Other refs: 28.6.1587 (REO, 310, cxcli); 24.9.1588 (Ibid., 314 cxcv); 7.4.1589 (RMS, vi, no.1312); 9.4.1589 (Craven Beq., SRO GD.106/338); 27.12.1591 (RMS, v, no.1994); 12.10.1592 (Ibid., v, no.2191).

**BALFOUR, Henry.** See Aikman, Mathew. A Henry Balfour, possibly relative of Gilbert Balfour, is noted as one of the devisers of the murder of Darnley (CSP Scot, ii, 321). See also Blackadder, Edmund.

**BALFOUR, James.** Obscure, but presumably played part in Robert's first expedition to Orkney, as awarded pension, with Gilbert Balfour, from lands of Whitekirk, at same time as Bruce of Cultmalindie and parson of Penicuik (qq.v.) (Roxburgh Mun., app. 7, no.1).

**BANKS, Alastair (1591-3).** Probably servant, though not explicitly designated as such. Robert granted him and spouse, Katherine Good, Kirkwall tenement evicted from Simon Cursiter 'for thift' 20.8.1591 (Craven Beq. SRO GD.106/81) and owed him £30 'for his fie' at time of his (Robert's) death 4.2.1593 (Edin. Tests. SRO CC.8/8/30).

**BATHOK, George.** Witnessed (with John Shaw, q.v.) tack 10.7.1577 by Robert to Grizel Stewart his illegitimate daughter and Hugh Sinclair of Strome her prospective spouse. Document is dated at Linlithgow and neither Bathok nor Shaw are elsewhere mentioned, so it must be assumed that they served Robert for his period in ward only (Hibbert-Ware Collection (Society of Antiquaries of Scotland), no.569).

**BELL, Adam (1566-77).** Chamberlain of Holyrood from some time after 26.6.1566 (Acts and Decrees, xxv, 335). 19.9.1566 represented Robert before privy council, with David McGill (RPC, i, 571) witnessed pension by Robert to Balfour of Pittendreich (Holyrood Chrs., 301). Remained chamberlain until at least 20.3.1568 (Roxburghe Mun. app.7 no.3), but no longer so designated after Adam Bothwell became commendator of Holyrood. However still designated servitor to Robert when witnessed obligation by Bruce of Cultmalindie, 18.4.1573 (Reg. Deeds (1st series), xii, 130); witnessed obligation by Bruce to Robert as late as 30.4.1577 (Acts and Decrees, lxviii, 92).

Other refs: 1.11.1572 (Reg. Deeds, x, 211).

**BLACK, William.** See Mentoith, Patrick.

**BLACKADDER, Edmund (c.1567-c.1575).** Almost certainly same person as Edward Blackadder, described as one of Robert's 'household men and feallis' (see Aikman, Mathew) and seemingly a leader. Also noted in Oppressions as recipient of Robert's bond of maintenance (5). Referred to in Curia Admirallatus Scotiae, as is Patrick Blackadder (q.v.). Mentioned 4.1567 as one of Darnley's murderers 'with the hands' (CSP Scot, ii, 321). After flight with Bothwell, apprehended in Orkney by Robert



and ostensibly sent south for punishment in custody of Robert Boswell and under surety of Gilbert Balfour of Westray; however set free by captors (Roxburghe Mun. app.7, no.6). Complained of 16.1.70, 23.3.71, in letters from king Frederick of Denmark to James VI following representations from town of Lubeck, one of whose ships had been taken by him and conveyed to Orkney (Deputy Keeper Reports, 46th rep., app.ii, 23). Also named by Peter Fisher (q.v.), merchant seamen interrogated by authorities in Edinburgh, as receiving Norwegian ship taken by other followers of Robert (CSP Scot, v, 24).

BLACKADDER, Patrick. See Aikman, Mathew. Possibly relative of Edmund Blackadder noted above, and probably also individual of that name noted passim in Curia Admirallatus Scotiae.

BOYNE, Thomas. 'Principal captain' of Laurence Bruce of Cultmalindie. Probably arrived in Shetland with him. Responsible, with Henry Bruce (q.v.) and others for court administration under Bruce, and alleged to have acted both as procurator and judge in same case (Oppressions, 45). During Robert's visit to Shetland in 1574 he appeared on assize in case against English merchant John Smith and his companions (RPC, ii, 654). Said to have been slayer of Alexander Duff in Strathbogie and to have killed Patrick Windram in Robert's own presence. For this allegedly imprisoned, but released after six weeks and sent to Norway (Oppressions, 8). Granted own escheat for slaughter of Mark Vondroum in Shetland, 19.1.1581 (RSS, viii, no.37) but at the same time, mysteriously, his escheat was granted to his son Adam, for Windram's death (Ibid., no.40). He survived this episode, however, and continued to discharge judicial functions under Patrick (Shetland Court Book, 49, 138). He probably died March 1603 (O & S Tests. SRO CC.17/2/2 gives date as 1602, but this disagrees with Court Book). His wife, Janet Pratt, was dead by 20.10.1623 (PRS Shetland, SRO RS.44/2, f.17).

BROWN, James. See Menteith, Patrick.

BROWN, John. Servant, killed in attack on St Magnus Cathedral by followers of Robert seeking to wrest building from the bishop's men; high words to him from Adam Bothwell's servants said to have been immediate occasion of incident (Roxburghe Mun., app.7, no.3). See also Menteith, Patrick.

BRUCE, [?David]. Obscure, but subscribed endorsement of deed in court before Robert, St Peter's Kirk, Birsay, 23.2.1568 (REO, 116, no. 11). Stated 3.10.1568 to be pensioner of bishopric (Acts and Decrees, xlii, 340). Possibly relative of Bruce of Cultmalindie.

BRUCE, Henry. Follower, possible relative, of Laurence Bruce of Cultmalindie (q.v.) Appeared with Thomas Boyne (q.v.) on assizes at Tingwall and Scalloway. Acted as justice and procurator in case against wife of Bartholomew Strang of Voegarth. Said to have assaulted Andrew Michaelson in Hollibuster for refusing to pay taxation for upkeep of Laurence Bruce's soldiers. Held assize in Sandness, 1576, and fined Nicholas Johnson six guðlings for telling him that he was more



mindful of 'winning geir' than he was regarding his soul (Oppressions, 15-92 passim).

BRUCE, James. Witnessed tack by Robert, probably in Edinburgh, 19.8.68 (Holyrood Chrs., 161-2), but mainly notable as follower of Laurence Bruce of Cultmalindie (q.v.) in Shetland. Said 1576 to have held court in Shetland while still unrelaxed at the horn. Appeared with Thomas Boyne and Henry Bruce (qq.v.) on assizes at Tingwall and Scalloway, where James Hathrew, burgess of Edinburgh, grasped James Bruce's hand and forbade him and his men to advance on Arthur Sinclair of Aith; (Oppressions, 15-92 passim). Stated in excambion of 9.1568 to be pensioner of bishopric (Acts and Decrees, xlii, 340).

BRUCE, Laurence, of Cultmalindie. Robert's half-brother, son of Euphemia Elphinstone and John Bruce of Cultmalindie. Robert was his curator (Acta Dominorum Concilii et Sessionis, xxix, 80), and granted him charter of lands of Lochthrid, 1.5.1559 (RMS, iv, no. 1593). 11 March same year granted bond to Helen Kennedy, his prospective spouse, concerning her tochergoods (Reg. Deeds (1st series), iii, 241). His wife's surname suggests that Laurence married into same family as Robert, Bellenden of Auchnoull, Waus of Barnbarroch, and Henry and Robert Sinclair. Granted letter 1.4.1567 to pass with Robert to France (RSS, v, no. 3387) and from then on was constantly involved in Robert's affairs. Received pension from Robert from lands of Whitekirk before 16.11.1567 (Roxburghe Mun., app.7, no.1; Canongate Court Book, 134, 137), probably for services in assisting Robert's expedition to Orkney. 17.10.1569 stood caution with Andrew Williamson (q.v.) for William Lauder that he would pay bishopric arrears to bishop Bothwell (Roxburghe Mun., app.7, no.22). In Edinburgh 1.11.1572 when stood caution with Adam Bell (q.v.) for William Elphinstone, John Dishington and James Hay (qq.v.) in contract for sale of Orkney produce (Reg. Deeds (1st series), x, 211). Granted feu of lordship lands of Shetland by Robert before 18.4.1573 when, again in Edinburgh, subscribed bond obliging himself to make just account of his intromissions (Reg. Deeds (1st series), xii, 130). 6.1574 present in Yell when Robert, on visit to Shetland, granted charter to Walter Donaldson alias Smith of land in Unst (OSR, 195, no.71); however, his activities in Shetland receive far more comprehensive scrutiny in complaints of people of Shetland (Oppressions, 15-92). His fortunes suffered notable setback with warding of Robert, he himself having already been warded as early as 19.1.1575 (TA, xiii, 93). The Shetland complaints against him suggest that Robert, in response to representations, relieved him of his tack of the foudrie of Shetland, (Oppressions, 88-9); however, despite findings against Robert and himself, appointed admiral-depute of Shetland 23.2.1577 (RPC, ii, 595) and soon in control again, being subject of further complaints by John Glanfield, Englishman, 30.8.1577 (Ibid., 630) and Bartholomew Strang of Voesgarth, 5.11.1577 (Ibid., 648-9). Subscribed Robert's bond on his release from ward 30.1.1577 (Ibid., 669-70). 22.12.1578 made faith that he dreaded harm from Laurence, master of Oliphant



and latter was compelled to find surety (RPC, iii, 56). He acted as 'principal sheriff' of Shetland 19.1.1581 (Shetland Court Book, 45). From then until last years of Robert's life he appears to have continued in administration of Shetland. In Orkney 27.1.1584, when he was member of one of his brother's courts of perambulation (REO, 157, no.lxxii). Towards end of earl's life, however, appears to have lost his place to Robert's son Patrick, who latterly styled himself lord of Shetland (21.11.1591, Balfour Papers, box 27, bundle 6; 29.5.1592, APS, iii, 590). This may have occasioned ill-feeling which seems to have existed between Bruce and Patrick (See text; chps. 5, 6). After Robert's death, Bruce had his seat at Muness, Unst, and built castle there. He survived Patrick and died in Shetland, August 1617 (O & S Tests. SRO CC.17/2/1).

**BRUCE, Walter** (1567-93). Servant of Robert throughout his period in north. Illegitimate son of one of lairds of Clackmannan, he appears to have arrived with Robert, as he subscribed 4.11.1567, within days of his master's arrival, court summons in which he was designated sheriff clerk (REO, 123, no.lvi), post which he appears to have held for rest of Robert's life. Involved with James and Patrick Menteith, (qq.v.) and others in strife in St Magnus Cathedral in which John Brown (q.v.) and two of bishop's men were killed (RSS, vi, no.306) and was one of those implicated in murder of Adam Dickson 20.12.1588 (RPC, ii, 576) for which he was put to horn and his escheat granted to Henry Sinclair, son of Robert Sinclair of Ness 22.12.1576 (RSS, vii, no.794). Signed and witnessed considerable number of documents by Robert, notably grants to 'gentlemen udallers', 4.9.1587 (REO, 311, no.cxciii; REO, 311n; Morton Papers, SRO GD.150/1650), and earl's will, 3.3.1593 to which he was a witness (Ibid., GD.150/2238).

Other refs: 20.1.1564 (sic) (REO, 272, no.clvi); 18.9.1568 (OSR, 162, no.78); 2.3.1569 (REO, 126, no.lvii); 31.3.1574 (Ibid., 137, no.lxi); 12.3.1579 (Ibid., 145, no.lxvi); 5.11.1579 (Ibid., 148, no.lxvii); 16.2.1580 (Ibid., 241, no.cxxix); 24.2.1580 (Ibid., 152, no.lxix); 9.9.1581 (Ibid., 304, clxxxvi).

**BUGE, Henry.** See Menteith, Patrick.

**CALLENDAR, Andrew.** Attendant, named as one of those to accompany young Robert on trip to France, 11.7.1548 (RSS, iii, no.2849). Granted tack by Robert of lands of Bowhouse, barony of Kerse, 28.7.1552 (Holyrood Chrs., 157-9).

**CAMPBELL, Robert.** His wife, Begis Dryff, was involved in litigation in Canongate, 1570 (Canongate Court Book, 3); in minutes of case he was stated to be former inhabitant of burgh, but now in Orkney; presumably there as follower of Robert, who was superior of Canongate.



CARMICHAEL, David. Vicar of Dunroed, named as one of those to accompany young Robert on trip to France, 11.7.1548 (RSS, iii, no. 2849).

CARMICHAEL, James. Acted on Robert's behalf during his absence abroad in France. Brother of Robert Carmichael of Wrightsland (q.v.) (Dumfries Writs, SRO GD.179/57-9). 17.7.1548 witnessed bond by Robert to Robert Wotherspoon, provost of Linlithgow (RSS iii, no.2862).

CARMICHAEL, John. Parson of Innernochtye, named as one of those to accompany young Robert on his trip to France, 11.7.1548 (RSS, iii, no.2849).

CARMICHAEL, Robert, of Wrightsland (1548-65). Chamberlain of Holyrood from before 11.7.1548 (RSS, iii, no.2862), possibly being major adviser to Robert after end of his minority and demission of his coadjutor, Alexander Mylne of Cambuskenneth. Accompanied young Robert on his trip to France. In 1552, Robert had to find surety that Carmichael would hand over 'jewellis' of abbey, and latter was compelled to yield them up (ADCP, 618, 635). Thereafter constantly found on Robert's business. Notable references include witnessing tack to George Towers of Inverleith, subscribed at Kirkcudbright 15.11.1554 (Holyrood Chrs., 160), and of bond to Archibald, Lord Lorne, 6.5.1555, concerning tocher of Robert's sister Jean (Reg. Deeds (1st series) i, 123). 12.12.1554 granted lands of Wrightsland (RMS, v, no.1240). Ceased to be chamberlain some time before 6.5.1555 when James Danielston (q.v.) first designated as such, but continued to act for Robert; precepts directed to him to infeft Sir John Bellenden of Auchmoull in lands of Walkmylnis and Batellhauchis, 12.3.1559 (RMS, iv, no.1385), and Laurence Bruce of Culmalindie (q.v.) in lands of Lochthrid, 19.3.1565 (RMS, iv, no.1593).

Other refs: 11.7.1548 (RSS, iii, no.2849); 12.11.1550 (Dumfries Writs, SRO GD.179/57-9); 20.12.1555 (ADCP, 619); 28.2.1555 (Reg. Deeds (1st series), i, 274-6); 9.7.1559 (Canongate Court Book, 199-200).

CARMICHAEL, Thomas. Servant to Robert during his period of education in St Andrews (TA, vii, no.430).

CATHCART, Adam. Owed £100 by Robert at time of latter's death for year's fee, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

CATHCART, David. See Aikman, Mathew.

CAVERTON, John, of Shapinsay (1574-93). First appears in Orkney on assize, 23.1.1574 (REO, 134, no.ix) and thereafter constant member of Robert's immediate circle of lieutenants, with such men as John Dishington, Patrick Menteith and David Scollay (qq.v.) described by Storer Clouston as 'parasites' (Ibid., p.11). Orkney and Shetland sources have little further to say of him until 1578, but as he appears 30.1.1578



as witness to Robert's bond on his release from ward (RPC, ii, 669-70), it could well be that he accompanied his master south during his troubles. In Orkney again 9.9.1581 (REO, 303, no. clxxxvi) and it would seem likely that he had returned with Robert in autumn of 1579, but remained north when latter departed a year later to become earl. During 80s, he was at centre of Robert's affairs. In 1584, year of Robert's most strenuous recorded activity, he acted as sheriff 18 Jan. (with Dishington, Menteith and Scollay) (REO, 155, no. lxxi), as assizeman on court of perambulation, 27 Jan. (Ibid., 157, no. lxxii) and was cited as having granted letters to Robert, 12 Nov. (Ibid., lxxiii); in July same year precept directed to him to infeft earl in lands granted to him by bishop Bothwell by excambion of 1568 (RMS, v, no. 836). In first of 1584 references he was first designated 'of Shapinsay', so must presumably have been granted land there shortly after Robert's return as earl. He also travelled south several times on Robert's behalf. He or Dishington may have been unidentified man who approached Courcelles on Robert's behalf, 30.8.1586 (CSP Scot, viii, 638-9), he was in Canongate with Robert, April 1589 (Craven Beq., SRO GD.106/338) and precept was directed to him in royal confirmation of Robert's lands (Prot. Bk. Thomas Auchinleck, SRO NP.1/36, f.14); he also witnessed charter by Patrick Stewart in Edinburgh, 18.5.1589 (Orkney and Shetland Papers, SRO RH.9/15/264). Sept. 1590 he was almost certainly 'John Caprington' who was sent south specially by Robert to inform Robert Bowes of movements of Spanish barque (CSP Scot, x, 397). 16.10.90 he, Dishington, and Magnus Hourston (q.v.) witnessed Robert's bond following on letters of lawburrows granted to Hugh Sinclair of Brough (RPC, iv, 539). His spouse was Margaret Aikman (RSS, lxxiii, 235). Still alive 1601 (Court Book of Shetland, 143).

Other refs: 7.4.1589 (RMS, vi, no. 1312); 30.5.1587 (REO, 310, no. cxc).

CHALMERS, Alexander. Chamberlain, previously treasurer, of Holyroodhouse. Responsible for repair work at abbey during Robert's absence abroad, for which he was granted pension 24.1.1558 (Reg. Deeds (1st series) iii, 162). 19.12.1556 stated to be deputy to Henry Drummond of Riccarton (q.v.) as chamberlain (Ibid., ii, 57) and succeeded Drummond before 1.11.1560 (Ibid., iii, 420).

Other refs: 25.6.1563 (Abbrev. Chrs., SRO E.14/1, f.135); 26.4.1567 (RMS, iv, no. 2557).

COGILL, Andrew. Servant, owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests, SRO CC.8/8/30).

COPELAND, Gilbert. Underfoud of Shetland; granted commission by Robert to try case involving Irvings of Sabay, 7.6.1569 (REO, 127, no. lviii).



- COUSTON, Alexander, in Leith. Appears to have acted as Robert's agent in Edinburgh during 1570s. Stood surety for him that he would vacate castle and lands of Westray in favour of Gilbert Balfour, 17.3.1574 (RPC, ii, 340-1); 26.7.1574 concluded, with Jean Kennedy, a contract for sale of Orkney butter (Reg. Deeds (1st series) xiii, 256); 28.10.1576 witnessed tack at Edinburgh by Robert to Oliver Sinclair, son of Edward Sinclair of Strome (REO, 294, no.clxxvii). He was also procurator and witness for Robert 30.1.1578 regarding his bond on his release from ward (RPC, ii, 669-70).
- CRAWFORD, Duncan. Quarrier, owed £16 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests, SRO CC.8/8/30).
- CRAWFORD, James. Designated 'sumtyme servitor' of Robert 16.10.1642, and as former possessor of tenement in Kirkwall (PRS Orkney, SRO RS.43/7 f.92). Owed £30 for fee at Robert's death, 4.2.1593 (Edin. Tests, SRO CC.8/8/30).
- CROSBY, James. See Aikman, Mathew. Mentioned by Peter Fisher (q.v.) as being, with John Hume (q.v.), his hirer on Robert's behalf (CSP Scot, v, 24).
- CUMMING, Thomas. Formerly inhabitant of Canongate, stated in litigation 1570, involving his son, to be in Kirkwall - presumably as follower of Robert, superior of Canongate until less than two years before (Canongate Court Book, 402). May well have arrived in islands with Robert in 1567, as witnessed disposition by Robert of land in Burness 6.2.1568 (REO, 287, no.clxix). 2.3.1569 acted as procurator fiscal for Robert in action against Irvings of Sabay (Ibid., 125, no.lvii) and about 3 months later was directed to give sasine to Thomas Stevenson of land in Kirkwall (RMS, iv, no.2872). In latter reference he is designated bailie of Kirkwall, but after that date there are few references to him, and none showing him in Robert's employ. He was one of two 'baillys of Kyrkwall within the Laverok' 31.5.1578 (REO, 354, no.ccxxxi) and had presumably spent intervening years in burgh, rather than earldom, affairs.
- DANIELSTON (Denisoun), James. Parson of Ardownan<sup>1</sup>, briefly chamberlain of Holyrood in succession to Robert Carmichael (q.v.). First mentioned in records 17.7.1548 (RSS, iii, no.2862), he was in Kirkcudbright 15.11.1554 (Holyrood Chrs., 161) when, with Carmichael, he witnessed letter of pension by Robert to George Towers of Inverleith. 28.2.1555, again with Carmichael, witnessed bond to Robert by Thomas McClellane of Auchlene (Reg. Deeds (1st series), i, 274-6). 6.5.1555 he was for first and only known time designated chamberlain (Ibid., 123).
- DAVIDSON, John. Owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

1. ? Ardeonaig.



- DICK, John. Burgess of Edinburgh. Delivered £200 from Robert to Jean Kennedy in Edinburgh before May 1584 (Barnbarroch Corresp., 289). Witnessed Robert's will, 2.2.1593 (Morton Papers, SRO ref. GD.150/2238). Possibly related to Alexander Dick, provost of cathedral church of Orkney; married Margaret Bellenden, relative of Sir John and Patrick Bellenden, and was progenitor of Shetland family of Dick of Fracafield (Grant, Zetland County Families, 54).
- DICKSON, James. Servitor to Henry Stewart, master of Orkney. Delivered money from Robert to his wife before May 1584 (Barnbarroch Corresp., 289). Wrote to Andrew Martin (q.v.) 23.11.1585 (Ibid., 340) concerning strained relations between Henry and his father, and requesting medicine for pain in his head and golf balls for himself and David Moncreiffe (q.v.).
- DICKSON, Thomas. Servant, owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., CC.8/8/30). On assize before David Scollay, Patrick Menteith and John Caverton (qq.v.) concerning Robert's apprising of Halcro lands in Brough, Rousay (REO, 160, no.lxxiii).
- DISHINGTON, John (1572-93). Robert's chamberlain as feuar and earl of Orkney, discharging same function under Patrick (Court Book of Shetland passim; Donaldson, Shetland Life under Earl Patrick, 2, 14). First appears in Robert's service 1.11.1572 when, as co-principal with William Elphinstone and James Hay (qq.v.), and with Adam Bell and Laurence Bruce (qq.v.) as cautioners, he concluded contract in Edinburgh with James Marshall and William Menteith (qq.v.) for sale of Orkney here (Reg. Deeds (1st series) x, 211). His early history is unknown, but it is possible he had Orkney connections. A Margaret Dishington, spouse of Edward Sinclair of Stromness, was granted tack of land in Scockness, Rousay 22.10.1549 by Robert Reid (Craven Beq., GD.106/330), and William Dishington witnessed disposition by William Sinclair, son of Magnus Sinclair of Warsetter to Edward Sinclair of Strome of land in Essinquoy, Grimsetter and Clett, 15.4.1550 (REO, 240, no.cxxix) - though it should be borne in mind that later Scottish name Dishington sometimes represented a Scotticising of Orkney name Dischen (from farm-name Disher, North Ronaldsay, or Dishes, Stronsay). 13.10.1574 he represented Robert before privy Council in appeal against royal letters procured against Robert by Patrick Bellenden (RPC, ii, 409-10). First known appearance in Orkney was on assize of Wappenstein Court at Yards 24.2.1580, one of courts held by Robert during his brief return between his escape from Morton's attentions and his investiture as earl, (REO, 150, no.lxix). 10.1.1582 appeared for Robert and his wife at latter's infeftment in land in Westray (OSR, 199, no.73). Thereafter closely involved with Robert's doings, together with John Caverton, Patrick Menteith and David Scollay (qq.v.). Some time before 4.5.1584 he delivered various sums from Robert to Jean Kennedy (Barnbarroch Corresp., 289) and was at



that date designated chamberlain on first known occasion. During 1584 he was one of those concerned with implementing Robert's policy against udal families, being sheriff depute in case of Magnus, Gilbert and Edward Irving, 18.1.1584 (REO, 155, no.lxxi). He also served 27.1.1584 on court of perambulation of marches of Sabay, Toab and Tankerness (Ibid., 157, no.lxxii). Thereafter continually in Robert's service as bailie in that part, sheriff depute, witness and commissioner. He was one of those appointed to check marches of lands of 'gentlemen udallers', 4.9.1587 (Ibid., 311, no.cxciii et al). He, Caverton and Magnus Hourston held court 16.10.1590, when Robert found caution before them (RPC, iv, 539). First known reference to him as commissary was 2.8.1591 (RMS, v, no.1902). Witnessed Robert's will 2.2.1594 (Morton Papers, SRO GD.150/2238) in which he received discharge of his intromissions as chamberlain and was subject of clause by Robert seeking Patrick's ratification of a pension to him.

DOWES, Thomas. 7Post, owed £10 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests, SRO CC.8/8/30).

DRUMMOND, Henry, of Riccarton. Chamberlain of Holyrood in succession to James Danielston (q.v.) being first designated as such 19.12.1556 (Reg. Deeds (1st series), ii, 57). Succeeded by Alexander Chalmers (q.v.) some time before 1.11.1560 (Reg. Deeds (1st series), iii, 420).

DUFF, Donald. Owed £10 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

DUNBAR, Alexander. Owed £10 for fee by Robert at time of latter's death (Edin. Tests., SRO CC.8/8/30).

DUNDAS, Alexander, elder and younger. Soldiers, each owed £30 by Robert at time of his death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

DUNDAS, George. Servant; brother of George (sic) Dundas of that Ilk. Probably one of those accompanying Robert on his first arrival in Orkney, autumn 1567. Witnessed letter of pension by Robert to James Balfour of Pittendreich (with Adam Bell, William Ferguson, and James Kennedy, qq.v.), 27.7.1567 (Holyrood Chrs., 301). He was one of those implicated in killing of bishop's men in St Magnus Cathedral, 17.3.1568 (RSS, vi, no.306).

ELPHINSTONE, Gavin. Robert's 'maister household' implicated in his treasonous overtures to Denmark, 1572-4. Stated in Complaints to have made his way across North Sea in 1572 with Henry Sinclair (q.v.), Robert's 'chalmerchield', to render to Danish king supremacy and dominion of Orkney and Shetland (p.3). Records in Danish archives suggest that his trip was made rather later and with rather less conclusive results than Complaints would indicate (Deputy Keeper Reports,



46th rep. (1886) app. ii, 24). His further connections with Robert are notably obscure, only other reference to relationship between them being an allegation that Robert permitted him to fight single combat with one Patrick Clark (Oppressions, 9). He was, however, not unknown in Denmark. 26.8.1568 he had been messenger from Regent Moray to Danish king (Deputy Keeper Reports, 47th rep. (1886) app. ii, 18), and 18.7.1570 letter from Regent Lennox to Frederick II of Denmark suggested that he was in Denmark and had been responsible, with others, for imprisonment on false charges of his countrymen Alexander Campbell and Archibald Stewart (Ibid., 19). In letter he was described as 'infamous' and in letterbook copy of letter which two Danish officials sent back with him in reply to Robert's overtures, there is marginal note describing him as a thoroughly untrustworthy scoundrel. It is possible that besides his Danish contacts, Robert may have used him because of family contacts with Elphinstone family.

ELPHINSTONE, John. Servitor, witness at Linlithgow (Robert being in ward there at time) to contract of sale between Robert and Alexander Stewart of Scotstounhill for sale of Orkney produce, 14.10.1577 (Reg. Deeds (1st series), xvi, 327).

ELPHINSTONE, Nicol. Designated servitor of Robert 1.5.1557 (Reg. Deeds, (1st series) ii, 139) and concerned periodically with Robert's affairs for next 20 years, but not one of his regular henchmen. 1.9.1559 witnessed, with William Gordon (q.v.) charter at Holyrood by William Brown, vicar of Barro, with Robert's consent, to Thomas Brown, granter's brother, of Barro vicarage lands (RMS, iv, no.2087). 25.6.1563, designated 'captain', he witnessed disposition by Robert to Robert Norwell of 'place of the Greenside' (Abbrev. Chrs., SRO E.14/1, ff.135). Escheated for disobedience and oscheat granted to Robert 7.11.1565 (RSS, v, no.2415). However, reappears in late 70s; 1575 said to have warned Morton of his growing unpopularity (Melville, Memoirs, 263-4), and 7.2.1578<sup>3</sup> witnessed contract between Robert and Patrick Bellenden (Acts and Decrees, lxxi, 229).

ELPHINSTONE, Rany. Servitor. Appears first on scene 1579, at time of Robert's return north after his imprisonment; presumably arrived with him, and possibly relative of Robert's mother. Appeared on assizes before Robert 5.11.1579 (REO, 145, no. lxvii) and 24.2.1580 (Ibid., 150, no. lxxix). Granted lands of Hammiger, Cairston, by Robert, 2.5.1580 (RMS, v, no.1178). Married Janet Halcro, daughter of Magnus Halcro of Brough, but his connections with Robert failed to prevent her losing her land in Rousay to the earl 12.11.1584 (REO, 160, no. lxxiii).

ELPHINSTONE, William (1568-93). Brother of Robert, Lord Elphinstone, and Robert Stewart's uncle. Granted pension by Robert 1.8.1568 from teindsheaves of Kinneil and Carridon (RSS, vii, no.1907). Witnessed Adam Bothwell's charters to Robert and his son, 17.7/blank 1572 (Reg. Ho. Chrs., SRO RH.6/2254; Abbrev Chrs., SRO E.14/2, ff.146-9). November



same year he was principal with John Dishington and James Hay (qq.v.) as cautioners in contract with James Marshall and William Menteith (qq.v.) in which money for 'setting fordwart and avansing' Robert's affairs was exchanged for Orkney produce (Reg. Deeds (1st series) x, 211). 19.1.1575 warded with Bruce of Culmalindie in south (TA, xiii, 93) but he was furth of Edinburgh 13.1.1576, when messenger was sent to charge him to find caution that he and Patrick Menteith (q.v.) would underlie law in Edinburgh Tolbooth 17 Oct. next (TA, xiii, 136). 20 Dec. same year he was himself charged as sheriff depute of Orkney, to apprehend Menteith and 29 others at horn for slaughter of Adam Dickson (RPC, ii, 576). He may well be the William Elphinstone who was appointed 'sewar' to the king for life 18.1.1581 (RSS, viii, no.88) and granted gift of escheat of fruits of subdeanery of Orkney for 1580, (Ibid., viii, no.373). 7.4.1589 granted charter by Robert of lands of Tresness, Sanday (RMS, vi, no.1312). He married Janet Hendersen of Fordell (Scots Peerage, iii, 533).

ESPLINE, James. Officer of Laurence Bruce of Culmalindie. Fined Magnus Johnson in Uredale and others for not coming to cast peats at Papil, and poinded 7 cattle from Ola of Islesburgh for not declaring catching of basking shark (Oppressions, 69, 70).

FERGUSON, William (1567-74). A William Ferguson witnessed disposition by William, son of Magnus Sinclair of Warsetter, to Edward Sinclair of Strome of land in St Ola as early as 15.4.1550 (REO, 240, no.cxxix), but it is doubtful if this is same man. The William Ferguson here described first appears 17.7.1567 as witness to pension by Robert to James Balfour of Pittendreich (Holyrood Chrs., 301), and his known activities are confined to late 1560s and early 1570s. He also witnessed tack by Robert to Gilbert Wauchope of Niddrie-Marischal, with James Bruce and Henry and William Menteith (qq.v.) (Holyrood Chrs., 161-2). It is not known whether he was present on Robert's first visit to Orkney, but he was described as having come 'hame' to Orkney 10.6.1569 (Roxburghe Mun., app. 7, no.12), presumably after trip south on Robert's business. 4.1571 he and his spouse, Katherine Hamilton, were granted tenement in Kirkwall by Alexander Dick, provost of Orkney, in charter sealed and subscribed by earl (REO, 344, no.ccxii). He is last seen on assize at Harmanstein court held by Robert 23.1.1574 (REO, 134, no.lx).

FETTIR (?Setter), Gilbert. See Menteith, Patrick.

FISHER, Peter. Seaman, interrogated 10-12.7.1574 for piracy and ultimately executed. In the past he had sailed to Orkney in the Andro, returning south again in barque of John Hume (q.v.), bringing wares belonging to Robert. Within two months thereafter he was hired again by Hume, James Crosby (q.v.) and others, and went to Norway with them on piratical expedition, returning to Orkney where ship they had captured was received by Edmund Blackadder. Captured and charged



with piracy July 1574 and executed at Leith 22.7.1574 and hung in chains as example to others (CSP Scot, v, 24).

GARRIOCH, William. Burgess of Kirkwall, servitor, granted licence to travel in South Ronaldsay and other parts of Orkney to 'use merchandise', 1.7.1576 (Irvine of Midbrake Mun., SRO (microf.) RH.4/35/388/41).

GIBSON, John. See Menteith, Patrick.

GIFFORD, William. Named by Adam Bothwell as one of Robert's 'ane servandis' who accompanied William Lauder south to Montrose and then to Edinburgh, together with laird of Penicuik and James Kennedy (qq.v.), 1.10.1569 (Roxburghe Mun., app.7, no. 18).

GLASS, Rob. Wright, owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., CC.8/8/30).

GLOUP, James. Grieve of Folsetter, owed Robert £32.14.9d in malt and meal at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

GORDON, Adam. Servitor, witnessed charter by Robert to James Fea and Margaret Groat of land in Stronsay (with Alexander Kincaid and Thomas Auchinleck, qq.v.) 12.10.1592 (RMS, v, no.2191).

GORDON, William, of Cairston (1559-93). Servitor, first encountered 1.9.1559 when he witnessed, with Nicol Elphinstone (q.v.) charter with Robert's consent of lands of Barro (see under Elphinstone, Nicol). Does not however reappear until 20.12.1576 when he was at horn for slaughter of Adam Dickson (see Menteith, Patrick); for his part in this crime he was escheated (with Walter Bruce, q.v.) and escheat granted to Henry Sinclair, 2.1.1577 (RSS, vii, no.825). 2.5.1580 witnessed charter by Robert to Rany Elphinstone (q.v.) of land in Cairston; a Hew Gordon, possibly relative, also witnessed this grant, as did various of Robert's other followers (RMS, v, no.1178). William Gordon also received land in Kirkwall (RMS, vii, no.2037) and Cairston at this time, and he is designated 'of Cairston' for the first time 27.1.1584, when he was present at court of perambulation of marches between Sabay, Toab and Tankerness (REO, 157, no. lxxii); his grant would appear to have included mill of Cairston, How, Navershaw and other lands (Rentals, iii, 28). He also witnessed two other deeds involving Robert at this time - exchanges of land between earl and Malcolm Groat of Tankerness 28.6.1587 (REO, 310, no.cxcii) and Magnus Louttit of Lyking 24.9.1588 (Ibid., 315, no.cxcv). He was designated captain of castle 13.3.1589 (Craven Beq., SRO GD.106/260) and was thus probably 'captaine of Kirkwaile' who bought one of Spanish barque's prizes in summer of 1590 (CSP Scot, x, 396). According to Storer Clouston (History, 305) his wife was Isobel Brown, a former mistress of Robert, who had borne earl a son, and whom he had granted land in Gairsay (RPC, ii, 488,



517). He died c.1622. (Rentals, iii, 18).

GREGORIE, Henry. Owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

GROAT, Malcolm, of Tankerness (1580-93). Servitor, one of relatively few Orcadians who became prominent in Robert's service (see also Halcro, William, of Aikers, q.v.). First appears 26.2.1565, before Robert's arrival, when summoned before court by Patrick Bellenden as sheriff to answer for his intrusions with rents of land in Tankerness (REO, 118, no.1111). Possibly it was conflict with Bellenden on this issue which made him seek Robert, Bellenden's long-time enemy, as master. 1570 involved in obscure court case, but his major recorded activities in Robert's time begin 24.2.1580 when on assize at Robert's Wappenstein court, Dec. 1580, when witnessed Robert's remission of escheat of William Irving of Sabay (Irvine of Midbrake Papers, SRO (microf.) RH.4/35/388/41) and on court of perambulation of marches of Sabay, Toab and Tankerness 27.1.1584 (REO, 157, no.1xxii). 6.2.1587 received, in exchange for land in Sanday, 3d udal land in Gracmsay, also in Wester Wideford from Agnes Sinclair, daughter of late William Sinclair of Warsetter (Ibid., 308, no.cxc) which in turn he exchanged with Robert, together with 1d in Holm and other interests, for lands of Linksness which earl had conquest from Margaret Sinclair, widow of Magnus Halcro (Ibid., 310, no.cxcii). Also recorded as possessing land in Duncansby, Caithness (Ibid., 341n). 4.9.1587 one of Robert's commissioners to try marches of 'Gentlemen Uthellers' (Ibid., 311, no.cxciii). Most other references to him are simply mentions of his presence as witness. Still alive 9.11.1597 (Ibid., 323, no.ccv).

Other refs: 30.4.1574 (REO, 293, no.clxxv); 9.9.1581 (Ibid., 304, no.clxxxvi); 19.11.1591 (Fee of Clestrain Mun., SRO GD.31/4).

HALCRO, William, of Aikers (1580-93). Another Orcadian follower of Robert though not on latter's first appearance in islands. Born some time before 30.4.1545 (REO, 226, no.cxviii), appears first 15.1.1565 on assize before Patrick Bellenden concerning lands of Twatt (Ibid., 120, no.liv) and on 13.3.1565 received land in Aikers and elsewhere from Henry Craigie of Brough (Ibid., 277, no.cixi). He was at this time bailie of Firth and Harray, post which he lost, for alleged criminal activity, on coming of Robert (Roxburghe Mun., app.7, no.2). Robert regarded him in these early days as supporter of Magnus Halcro of Brough and thus enemy, and he was named by William Henderson as implicated in bond instigated by Patrick Bellenden against Robert (together with William Moodie, Magnus Halcro and Gilbert Balfour). However references to William Halcro after death of his relative Magnus suggest that he had changed his allegiance. On assize 7.11.1578 in court held by Patrick Menteith (q.v.) (REO, 141, no.lxv) and almost exactly year later played same role in Allhallow Court held



by Robert after his return from ward (REO, 145, no.lxvii). 27.2.1580 there was final echo of his former allegiance when he was named as defender with deceased Magnus Halcro in long-standing case to be heard by Robert (Ibid., 152, no.lxx); however thereafter all evidence suggests allegiance to earl. 27.1.1584 in court of perambulation of marches of Sabay, Toab and Tankerness (Ibid., 157, no.lxxii) and 12 Nov. next year he was both interested party and member of assize in process of apprising raised by Robert against Margaret Sinclair, relict of Magnus Halcro, in which he retained possession of his lands in Brough, Rousay (Ibid., 162, no.lxxiii) - though, to be fair, it seems more likely that his right to land in Brough derived from his wife, Margaret Craigie, than from his blood ties. 4.9.1587 appointed commissioner to try marches of lands of 'Gentlemen Uthellers' (Ibid., 312, no.cxciii). Second wife Margaret Bruce - possibly one of Robert's Bruce relatives. Died some time after 30.4.1593 (Ibid., 450).

Other refs: 18.9.1566 (REO, 375, no.ccxxxviii); 1580 (Ibid., 298, no.clxxx); 25.1.1581 (Ibid., 306, no.clxxxix); 20.2.1585 (Ibid., 165, no.lxxiv); 26.1.1586 (Ibid., 357, no.ccxxxiv); 6.2.1587 (Ibid., 308, no.cxc).

HARPER, James. See Menteith, Patrick.

HAY, James. (c.1572-84) Origin obscure, though possibly related to William Hay, son of George Hay in Freuchnie, presented to archdeaconry of Shetland 16.3.1586 (RSS, liii, no.138v). May originally have been servant of Adam Bothwell, since first mentioned in charter by Archibald Douglas, subdeacon of Orkney, to Patrick Bellenden and his wife of lands of subdeaconry, 2.8.1568 (REO, 287, no.clxx), which he witnessed with Francis Bothwell and Alexander Kincaid (q.v.), document being signed by other cathedral dignitaries including Magnus Halcro. 2.7.1572 witnessed disposition by Jerome Tulloch to Elizabeth Kinnaird and her spouse Gilbert Foulzie of tenement in Kirkwall (Ibid., 345, no.ccxxiv). This document dated at Kirkwall and Leith, latter being venue, 30.7.1572, for appending of bishop's seal; Hay was however in Kirkwall. In Nov. same year, he was in Edinburgh with John Dishington, William Elphinstone (qq.v.) and others concluding contract (Reg. Deeds (1st series), x, 211), and designated for first time servitor of Robert. Again south two years later, when 26.7.1574 witnessed contract of sale by Jean Kennedy with Alexander Couston (q.v.) and Edward Little for sale of Orkney butter (Ibid., xiii, 256). Previous day pension to him from Robert passed privy seal - of land annuals and other rents formerly pertaining to cathedral chaplains from 'channons lands' in Dunrosness, Gulberwick, Burra, Weisdale, Sandsting, Yell, Fetlar and Unst (RSS, vi, no.2611). Two years after this he was in Edinburgh, witnessing bond concluded by Robert, then in ward, with James Sinclair of Brow, 6.7.1576 (Acts and Decrees, lxiii, 339). Still in capital 28 October same year when, at castle, witnessed tack by



Robert to Oliver Sinclair, son of deceased Edward Sinclair of Strome, of land in Rousay, Deerness, St Ola and St Andrews (REO, 294, no.clxxvii). This is last dated reference to him; last notice is in enclosure in letter from Robert to Sir Patrick Waus of Barnbarroch 4.5.1584 (Barnbarroch Corresp., 288), stating that some time before he had delivered £100 to Jean Kennedy in the south.

**HENDERSON, Cuthbert.** Brother of William Henderson (q.v.) and his successor both as treasurer of Orkney and vicar of North Ronaldsay. Neither of these men were servants of Robert in strict sense, though they undoubtedly served him from time to time. They in fact arrived as functionaries of Sir John Bellenden of Auchnoul, and Cuthbert is recorded as having written to Bellenden concerning affairs in north 4.2.1568 (Roxburghe Mun., app.7, no.2). He was also in touch with Adam Bothwell and relayed bishop's attitudes to Robert, 10.6.1569 (Roxburghe Mun., app.7, no.12). However, only other document which links his name with Robert's is dated (spuriously) 20.1.1564 - charter by Robert to William Moodie of Breckness of land in Outer Stromness, witnessed by both Henderson brothers (REO, 271, no.civi). With one exception, other references to him in REO showing him acting as notary - that exception being tack by him to Robert Henderson, son of his late brother William, 1.8.1595 (Ibid., 320, no.cci). Survived both Stewart earls, being still active - 'an old and godly gentleman' - in 1617 (Smith, The Church in Orkney, 234).

**HENDERSON, William.** Treasurer of Orkney and vicar of North Ronaldsay. He first appears (in south) as Dingwall Pursuivant and is frequently referred to in TA in his capacity as royal messenger. Arrived in Orkney about 1563 with Patrick Bellenden (OSR, 135, no.65) as factor of Orkney land of Bellenden's brother the justice clerk. Like his brother, Cuthbert (q.v.), he was never servant of Robert as such, but on latter's arrival he had little choice but to serve him. 16.11.1567 - 1.6.1568, still designating himself Dingwall Pursuivant, he wrote five letters, four to Sir John and one to Patrick Bellenden, which show him in Robert's train (Roxburghe Mun., app.7 passim). With him at Gorn, Sandwick, 17.3.1568 when seizing of St Magnus Cathedral took place, and his letter of 20th to Sir John Bellenden, accompanying another by Robert himself, was devoted to explanation of what had happened and attempts to exonerate Robert (Robert's letter was briefer and aimed more at promises of assythemement); also wrote to Patrick Bellenden at same time. With Robert on first visit to Shetland and wrote to Bellenden from Scalloway 1.6.1568. This letter, like that of March 20, treated of Robert's actions and intentions, and seems to have been written at Robert's behest to explain these in the slightly less emphatic third person. Like his brother, William Henderson is first (?) mentioned in Robert's eccentrically dated charter to William Moodie (see Henderson, Cuthbert). After fading of Bothwell and Bellendens from scene, his activities as churchman and lawyer were less involved with those of Robert, though



he was on Hermanstein assize before Robert 23.1.1574 (REO, 134, no.1x). However by far his most significant act of these years was to undertake commission with William Moodie 9.11.1576 (RPC, ii, 616-8) to hear complaints of Shetlanders against Laurence Bruce of Culmalindie (q.v.) which was done Feb. 1577 (Oppressions, 15-89); it was Henderson who travelled south to lay commissioners' findings before privy council 24.4.1577 (RPC, ii, 616-8). 1578 presented to parsonage of Stronsay, there being some temporary dispute regarding presentation 5.12.1578 (Ibid., iii, 53), and he was granted tack by Robert of land in North Ronaldsay, which he was ultimately to bequeath to his family (Sheriff Thom Papers, SRO GD.1/212/27). Died 1582; buried in cathedral (RCAHMS Inv. O & S, 132). His wife was Margaret Bonar, and he had a son, Robert.

HENESON, Mounce. 'Of Denmark', spoiled John of Hull with Thomas Knightson (q.v.) and took it and its cargo to Orkney where it was kept by Robert, 14.3.1585 (CSP Scot, ix, 516). Seems quite possible that he may be identified with Magnus Heinason, Faeroese hero granted exclusive rights by Frederick II of Denmark to carry on trade between Denmark and Faeroe; he spent some time clearing seas of privateers, notably English ones, and built fortification at Skansin, overlooking Thorshavn. The son of Heine, preacher who brought Reformation to the Faeroes, he was ultimately hanged in Copenhagen for taking and sailing an English ship. Later stated to be innocent, his body was exhumed and buried in Copenhagen with great pomp, his original accuser being executed for the crime. ('The Faeroes', Encyclopaedia Britannica; Williamson, The Atlantic Islands, 22; Russell-Jeaffreson, The Faroe Islands, 19-20).

HERIOT, John. Baxter, owed £20 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

HOURSTON, Magnus. Keeper of Robert's ginel. Early references to him (1580; REO, 293, no.clxxx; 28.1.1581, Ibid., no.clxxxiv) associate him with John Houston, prebendary of St Peter's Stouk and schoolmaster of Kirkwall, of whom he was stated to be servitor 25.1.1581 (Storer Clouston is careful to draw distinction between John Houston's essentially Scottish surname and Hourston, Magnus's name, which shows him to be Orcadian and probably not relative of his master). Witnessed charter by Houston as late as 1596 (REO, 360, no.ccxxxv). However, 23.11.1585, James Dickson (q.v.) in letter to Andrew Martin (q.v.) relayed to latter good wishes of number of 'men following after', including Magnus Hourston (Barnbarroch Corresp., 341). 16.10.1590 held court with John Dishington and John Caverton (qq.v.) (RPC, iv, no.539) and in Robert's will he was granted discharge of his intromissions with Robert's victual as keeper of his ginel (Morton Papers, SRO GD.150/2238).

HUME, John. See Aikman, Mathew. Mentioned by Peter Fisher (q.v.) as being, with James Crosby (q.v.) his hirer on Robert's behalf (CSP Scot v, 24).



HUME, William. Soldier, assaulted Alexander Thomson, vicar of Dunrossness, on his descent from pulpit, 1575 or before (Oppressions, 7).

HUMPHREY, John. Delivered 4 chalders bere (worth £100) from Robert to his wife, before 4.5.1584 (Barnbarroch Corresp., 288).

IRVING, William, of Sabay. Another of the small number of Orkney men who served Robert (see also Malcolm Groat of Tankerness, William Malcro of Aikers, Magnus Hourston, qq.v.). Irvings of Sabay were among biggest udal landholders in Northern Isles and would seem to have attracted Robert's eye for this reason. They had already made one attempt to obtain official recognition of their titles according to Scottish practice; James Irving, William's father, had obtained from James V a rather curious 'charter' confirming his udal possession (REO, 220, no.cxv). Robert obtained charters from Irvings of land in Sabay 9.9.1581 (Ibid., 303, no.clxxxvi), and in Twinness, Messigar, Garth and Carabreck 18.1.1584 (Ibid., 155, no.lxxi), both St Andrews. He was infeft in first of these, but when Magnus, Gilbert and Edward Irving seemingly refused to extend and renew the 'evidents' in the second case, Robert prosecuted them in his own court, Jan. 1584, and William Irving, their own brother, acted as his procurator. William was born before Feb. 1537, and featured in the first recorded case to be heard by Robert on his arrival in Orkney, when he sought removal of one of his tenants, John Aitken, from his lands (Ibid., 123, no.lvi). He was also involved in two other cases involving the Irvings' proving of their rights to lands of Horrie (Ibid., 125, no.lvii; 127, no.lviii). The month before he represented Robert against his brothers, Dec. 1583, he was first noticed as enjoying particular favour of Robert, when he was escheated for harbouring John Aitken (possibly same individual as mentioned earlier, but described as 'outlaw'), but had his escheat remitted for 'good and thankful service' (Irvine of Midbrake Papers, SRO (microf.) RH.4/35/388/32). For his efforts on Robert's behalf he received lands taken from his brothers; the latter were ultimately able to wrest it from him, though not for another ten years (REO, 157n). William also held land in Sabay (Scarth of Breckness Mun., SRO GD.217/141) and had certain rights to peat-cutting and seaweed there confirmed by court of perambulation, 27.1.1584, (REO, 157, no.lxxii). After these proceedings William was more seldom in Robert's company, though he bought boat from him, 1585 (Sheriff Thom Papers, SRO GD.1/212/32). 16.12.1589 Robert granted him remission for his adultery with Marjorie Scollay, provided he was answerable to kirk censure (Irving of Midbrake Papers, SRO (microf.) RH.4/35/388/41). He continued to be active in Orkney affairs until his death in 1614, when he would have been aged about 70.



Other refs: 18.9.1566 (REO, 375, no.cccxxviii); 4.2.1572 (Ibid., 345, no.cccxxiii); Sept. 1572 (Ibid., 289, no.clxxii); 21.1.1580 (Ibid., 296, no.clxxix); 25.1.1588 (Ibid., 307 no.clxxxix); 7.4.1589 (Ibid., 315, no.cxcvi); 13.3.1590 (Ibid., 316, no.cxcvii); 10.4.1596 (Ibid., 172, no.lxxviii); 19.8.1597 (Ibid., 322, no.ccciv); 19.1.1598 (Ibid., 173, no.lxxix); 19.1.1604 (Ibid., 176, lxxxi). 14.12.1614 (Ibid., 381, no.cxli).

JEFFREY, James. See Menteith, Patrick.

JOHNSTON, Andrew. See Menteith, Patrick.

JOHNSTON, James, of Elphinstone. (1565-8) Robert's 'cousing'. Witnessed charter by Robert to John Mowat of land in Rendall, 7.12.1565 (REO, 282, no.clxiv), but this document was sealed at Edinburgh and there is no evidence that he followed Robert to Orkney. 1.4.1567 he was one of those named (with Laurence Bruce of Culmalindie, Robert Leslie of Ardersier, James Stewart of Eildon, qq.v.) as 'friends and servandis' of Robert in letters to latter permitting him to go abroad (RSS, v, no.3387). 1.8.1568 granted pension from teindsheaves of Kinneill and Carriden (Ibid., vii, no.1907).

KENNEDY, James (1567-74). Brother of Jean Kennedy, Robert's wife and seemingly involved in Robert's northern adventure from start. 7.12.1565 witnessed charter by Robert to John Mowat of land in Rendall (REO, 283, no.clxiv) and was with Robert July 1567 (Polyrood Chrs., 301) when Robert would have been making preparations for his first expedition to Orkney. Oct. 1569 he was one of servants of Robert who brought William Lauder, Adam Bothwell's chamberlain in Shetland, south to Montrose in Robert's ship, en route for Edinburgh and his reckoning with his master (Roxburghe Mun., app.7, no.18). In Orkney 2.7.1572, when witnessed disposition by Jerome Tulloch to Elizabeth Kinnaird and her spouse, Gilbert Foulis, of tenement in Kirkwall (REO, 346, no.cccxiv) and on assize of sheriff court held by Robert in Birsay 31.3.1574 (Ibid., 135, no.lxi).

KENNEDY, Oliver. (?1580s). Son of John Kennedy of Drumellano. Originally servant of Adam Bothwell and as such witnessed bishop's charters to Robert of July/Sept. 1572 (OSR, 178, no.69; Abbrev. Chrs., SRO E.14, ii, 147-9). However in Orkney 28.10.1576, well after Adam Bothwell had disappeared from scene, and 31.3.1587 he was among number of servants of Robert who witnessed grant by latter to Rany Elphinstone (q.v.) (RMS, v, no.1178). The inference, therefore, is that like Alexander Kincaid (q.v.) he had switched his allegiance to Robert, and in fact confirmation of Robert and bishop Bothwell's excambion July 1584 designated him servant of earl (Ibid., no.836).



**KINCAID, Alexander (71583-93).** Servitor. Originally servant of Adam Bothwell, and possibly relative, like John Kincaid of Warriston, who was in Orkney with Bothwell briefly in 1561 (Napier of Merchiston, 73-4; REO, 342, no.ccxx, 343, no.ccxxi). As such witnessed (together with Oliver Kennedy, q.v.) bishop's charters to Robert of July/Sept. 1572 (Abbrev. Chrs., E.14, ii, 147-9). In Edinburgh, still seemingly in Bothwell's train, Jan.-Mar. 1574 (REO, 347, no.ccxxv; Ibid., 348, no. ccxxvi) but must have departed to Orkney not long after, as was at horn for slaughter of Adam Dickson 20.12.1576 (see Menteith, Patrick). Appears to have maintained links with bishop until about 1580 when witnessed precept by Bothwell to John Brown of Weyland (Reg. Ho. Chrs., SRO RH.6/2557). However among Robert's known servants in witnessing feuar's infeftment in land in Sabay 9.9.1581 (REO, 303, no.clxxxvi) and Nov. 1583 he was officially designated servant of Robert for first time. (Irvine of Midbrake Papers, SRO (microf.) SRO RH.4/35/388/32). 19.1.1585 Robert issued precept to him, with John Dishington (q.v.) to infeft Jerome Tulloch in land in Quholm, Stromness (REO, 307, no.clxxxviii). Thereafter witnessed several deeds (30.5.1587 (Ibid., 309, cxci); 24.9.1588 (Ibid., 315, no.cxcv); 12.10.1592 (RMS, v, no.1313)), including precept dated in Canongate, 9.4.1589 (Craven Beq., SRO GD.106/338) and charter by Patrick, master of Orkney, to Michael Balfour of Montquhany, of island of North Fara, dated Edinburgh 18.5.1589 (O & S Papers, SRO RH.9/15/264). 31.7.1591 granted discharge to William Sinclair of Ustaness (Shetland Court Book, 158). 3.8.1591 Robert granted 6d land in Yinstay to him and his wife, Christian Bryson (REO, 317, cxci). They appear to have had a son, David Kincaid of Yinstay, who was suitor of court, 1617 (Ibid., 398).

**KINCAID, John (before 1593).** Smith, owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30). Brother of William Kincaid (q.v.); his wife was Alison Hog (or Hoy, see under Kincaid, William).

**KINCAID, Walter.** See Menteith, Patrick.

**KINCAID, William, 'of Falkirk'.** Smith, brother of John Kincaid (q.v.) came from Abbotshaugh, near Falkirk. He and his brother married two sisters Dessie and Alison Hog (Hossack renders the name Hoy, which is certainly plausible, but at variance with the former's testament). He occupied a house in Kirkwall near the cathedral, which on his death his wife sold to Thomas Knightson (q.v.) whom she later married (Hossack, Kirkwall in the Orkneys, 222). Died 1594, buried in cathedral (KCAHMS Inv. O & S, ii, 13).

**KIRKWOOD, James.** Owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests. CC.8/8/30).



**KNIGHTSON, Capt. Thomas.** (1585-93) Originally inhabitant of Pittenweem, where held property (Pittenweem Writs, SRO GD.62/158)<sup>1</sup>. First noted in connection with Robert as pirate 14.3.1585 when he and Mounce Heneson (q.v.) spoiled John of Hull and took it and its cargo to Orkney where it was kept by Robert (CSP Scot, ix, 516). Next appears June 1590, when he and George Peterson (q.v.) took charge of prize ships taken by Spanish barque. Knightson piloted John Sheringham of Clay, Norfolk, to Kirkwall, with the other ships (Ibid., x, 346). Survived Robert by 30 years or more (O & S Tests. SRO CC.17/2/1), acted as steward for Patrick (Shetland life under Earl Patrick, 2), received land in Aith and was provost of Kirkwall 1619-21 (Kirkwall Chrs., 124). His wife was Bessie Hog (or Hoy), relict of William Kincaid (q.v.).

**LANG JOHN.** See Meikle John.

**LESLIE, Robert,** of Ardersier. One of Robert's 'friends and servandis' named in letters enabling him to pass abroad, together with James Johnston of Elphinstone, Laurence Bruce of Culmalindie and James Stewart of Eildon (qq.v.) (RSS, v, no.3387).

**LIVINGSTON, Janet.** Sent south on Robert's business before 5.6.1569 (Roxburghe Mun., app.7, no.11) and with special instructions to take his son Henry from care of Sir John Bellenden and bring him north to his father.

**LOGAN, Andrew.** Cook, owed £20 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests. SRO CC.8/8/30).

**LYLE, Andrew.** Browster, owed £20 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests. SRO CC.8/8/30).

**LYLE, James.** See Menteith, Patrick.

**MCCULLOCH, Alexander.** One of Robert's 'household men and feallis' (see Aikman, Mathew). At horn with others for slaughter of Adam Dickson (See Menteith, Patrick).

**MACKESON, William** (1562-3) Servant, paid £45 in expenses (with George Winrame, q.v.) 27.10.1562 (TA, xi, no.205).

**MARSHALL, James.** (1572-93) Two James Marshalls are mentioned in connection with Robert; whether they are same person is at present unknowable. First reference 1.11.1572 is to James Marshall, burgess of Edinburgh, who, with William Menteith, also burgess of Edinburgh (q.v.) concluded contract with William Elphinstone, John Dishington and James Hay (qq.v.) for sale of Orkney produce (Reg. Deeds, (1st series) x, 211). Second reference is to James Marshall who was owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests. SRO CC.8/8/30).

1. Also RSS, v, no.1669.



MARTIN, Andrew. (c.1582-93) Servant of Robert's sons rather than of Robert himself. First mentioned 4.3.1582 (Barnbarroch Corresp., 239) when Robert wrote to Sir Patrick Waus 'I will on naway admitt him in my sonnys cumpany' because 'he handillit the uther so indirectlie aganis me'. The son was Patrick, the 'other' was in all probability Henry Stewart, master of Orkney, Patrick's elder brother. 23.11.1585 James Dickson (q.v.) another of Henry's servants, wrote to Martin who was south at time, speaking of Robert's harsh treatment of his son and stating 'all this he beiris with sa far as he may, awaiting upoun your hiddercuming, quhilkis he daylie lukis for, and thinkis verray lang thairto...' (Barnbarroch Corresp., 340). Some time shortly afterwards Henry died, and Robert wrote again to Barnbarroch asking him not to allow Martin into Patrick's company in view of Martin's previous efforts to put him and Henry 'at variance', and to encourage late master of Orkney to seek friendship of earl of Caithness against his father. He understood that Martin had Henry's testament 'he never lat me be participator thairof'. Notwithstanding Robert's antipathy, Martin remained in Orkney - possibly on insistence of maturing Patrick - and he witnessed tack by Robert to Thomas Swinton, archdeacon of Orkney 6.11.1586 (Fea of Clestrain Mun., SRO GD.31/2). On Robert's death Martin was owed £100, (Edin. Tests., SRO CC.8/8/30) and he remained in Patrick's service; in 1614, an old man, he was executed with him (Criminal Trials, iii, 274).

MAYNE, Alexander. Bower, owed £16 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests, SRO CC.8/8/30).

MEIKLE JOHN. Cook to Laurence Bruce of Culmalindie. Suggested to his master that he should seek out Arthur Sinclair of Aith to pre-empt aggressive action by latter, and assisted in search of Magnus How's house at Aith while looking for Sinclair (Oppressions, 78).

MENTEITH, Henry. Servant, witnessed tack by Robert to Gilbert Wauchope of Niddrie-Marischal, 19.8.1568 (Holyrood Chrs., 161-2). Deed also witnessed by William Ferguson and William Menteith (qq.v.), latter presumably relative.

MENTEITH, James, of (Easter, Nether) Saltcoats. (1565-74) Brother of Patrick Menteith (q.v.), nephew of James Menteith in Easter Kerse (RSS, vi, no.306) who probably featured as bailie of barony of Kerse 22.3.1542 (Holyrood Chrs., 154-6) Almost certainly James Menteith who, with Patrick and William Menteith (qq.v.) were named as followers of William Menteith of Randyfurd and involved in 'troubill and debaitt' in Falkirk with followers of William, Lord Livingston, before 22.6.1566 (RPC, i, 469, 473). 26.5.64 precept had been directed to him to infeft Robert in Orkney and Shetland lands (Reg. Ho. Chrs., SRO RH.6/1992) and 7.12.1565 he had witnessed Robert's charter to John Mowat of land in Rendall (REO, 282, no.clxiv) and he would appear to have been involved in Robert's expedition north from start. Concerned, with Patrick Menteith, George Dundas, Thomas Robeson, Walter Bruce, David Scollay and



William Sclater (qq.v.) in taking of St Magnus Cathedral, 17.3.1568 (RSS, vi, no.306). In Edinburgh with Robert during negotiation of latter's excambion with bishop Bothwell, and witnessed associated charter by Bellenden of Auchnoul to Jean Kennedy, 18.9.1568 (OSR, 162, no.68). 26.9.1568 respited for his part in cathedral killings (RSS, vi, no.505). Middle of following year, however, Robert wrote to Bellenden of Auchnoul that he had put Menteith from him for sake of Patrick Bellenden because he understood that Menteith was the 'impediment that we war sa lang sindry' (Roxburghe Mm., app.7, no.11). However, this statement seems as reliable as those regarding Edmund Blackadder (q.v.) as James Menteith reappeared again 17.7.1572 when precept was directed to him to infeft Robert in bishopric lands in Shetland (Abbrev. Chrs., SRO E.17, ii, 147-8). Thereafter not seen in any of Robert's affairs, but on his death in 1574, he was buried in cathedral (RCAHMS Inv., O & S, ii, 131).

**MENTEITH, Patrick**, of Saltcoats, later of the Fair Isle. (1564-93). Son of Alexander Menteith of Mylhall. One of Robert's closest followers, particularly in early period of his rule. 22.6.1566 involved with William and James Menteith (qq.v.) in strife in Falkirk with men of Lord Livingston (RPC, i, 469, 473) and also in capture of cathedral in Kirkwall from bishop's men, 17.3.1568 (RSS, vi, no.306). Not mentioned in excambion documents but this is possibly because, as later during Robert's absence south in his troubles of 1570s, he was involved in administration of islands. On Robert's return, he was on assize of Hirdmanstein court, 23.1.1574 (REO, 134, no.1x) and on his departure to answer to Morton, deputised. 13.8.1576 ordered to find surety to underlie law, and 20.Dec. same year he was put to the horn and ordered, to be apprehended and brought to justice for slaughter of Adam Dickson and other crimes (RPC, ii, 576), with 29 others (William Black, James Brown, Walter Bruce, Henry Buge, Gilbert Fettir, John Gibson, William Gordon, James Harper, James Jeffrey, Andrew Johnston, Walter and Alexander Kincaid, James Lyle, Alexander McCulloch, Peter Monypenny, Alastair Murray, John Morrison, Alexander Orr, James Orrok, James Reddok, Walter Reidpeth, John Robertson, Thomas Robeson, Edward Scollay, James Stewart, Alexander Sutherland, Hew Tarrell, Edward Tulloch, William Yorston, qq.v.). Nothing seems to have come of this, and 7.11.1578 he was named as sheriff depute - presumably in full charge, since David Scollay (q.v.) was named as his substitute (REO, 140, no.1xv). After Robert's final return as earl, he, with John Dishington, John Caverton and David Scollay (qq.v.) acted as justices in courts when Robert himself was himself litigant - as in cases of Halcros and Irvings (18.1.1584, REO, 155, no.1xxi; 12.11.1584, REO, 160, no.1xxiii); in case of Irvings, he was designated for first time 'of the Fair Isle'. Died 1597, buried in cathedral (RCAHMS Inv. O & S, 131).



**MENTEITH, William** (?1566-74). There are two William Menteiths concerned with Robert's affairs who may or may not be single individual. Firstly there is William, brother of Patrick Menteith (q.v.) and son of Alexander Menteith of Mylhall, involved in strife in Falkirk with followers of Lord Livingston, 22.6.1566 (RPC, i, 469, 473); he is almost certainly same individual who witnessed pension by Robert to William Elphinstone (q.v.) 1.8.1568 (RSS, vii, no.1907) and carried letters by William Henderson (q.v.) and Robert from Orkney to Bellenden of Auchnoul (before 20.3.1568, Roxburgh Mun., app.7, no.3). The second William Menteith was bower burgess of Edinburgh and acted with Alexander Couston (q.v.) and others as Robert's agent in Edinburgh. 1.11.1572 he was party to contract with William Elphinstone, John Dishington and James Hay whereby he paid £340 for furtherance of Robert's affairs in return for Orkney produce (Reg. Deeds (1st series) x, 211). 18.4.1573 he was cautioner for Bruce of Culmalindie (q.v.) in his obligation to make just account and reckoning of his intromissions as foud, sheriff depute and chamberlain of Shetland (Ibid., xii, 130), and 17.3.1574 he was surety for Robert's vacating Noltland Castle and Gilbert Balfour's lands in Westray (RPC, ii, 340-1). One of these William Menteiths was buried in St Magnus Cathedral (RCAIMS, Inv. O & S, 131).

**MENTEITH, William**, of Randyfurd. Follower of Robert, involved in strife in Falkirk with men of Lord Livingston, 22.6.1566, and accompanied Robert in answering summons before privy council (RPC, i, 473). Patrick, William and James Menteith (qq.v.), named at this time as his men, are almost certainly men of those names who accompanied Robert to Orkney. William Menteith of Randyfurd was stated to be occupying lands of Bowhouse in barony of Kerse which were granted to Alexander Chalmer (q.v.) by Robert, 5.8.1560 (RMS, iv, no.1662).

**MONYPENNY, Peter**. See Menteith, Patrick.

**MONCREIFF, David**. An obscure figure. Named as one of the 'gentilmen following efter' (?) in James Dickson's letter to Andrew Martin (qq.v.), 23.11.1585 (Barnbarroch Corresp., 341). Apparently in habit of playing golf with Dickson (Ibid.). Still alive 1614 (REO, 382, no.cx.i).

**MOODIE, Magnus**. (early 1570s). His relationship with Robert seems curious. Its sole source, Oppressions, (5) states both that he granted Moodie his bond of maintenance and that Moodie was, with others, 'banished without order of law'. His relationship with his master was presumably a stormy one, but no further details are given.

**MORISON, David**. Soldier, owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., CC.8/8/30).



MORISON, John. See Menteith, Patrick.

MORISON, William. Servitor, sold here to James Alexander, chamberlain of Adam, bishop of Orkney, some time before 18.6.1569 (Canongate Court Bk., 41).

MURDOCH, David. Cook. Probably did not go to Orkney; he and his wife, Isobel Boyd, were granted charter of land in Canongate by deans of smiths, baxters and cordiners, and other officials of burgh, 4.8.1569 (Reg. Ho. Chrs., SRO RH.6/2158).

MURRAY, Alastair. See Menteith, Patrick.

MURRAY, Alexander. See Aikman, Mathew.

MURRAY, James. Wright, owed £16 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30). Possibly related to Archibald Murray, wright, accused of rebellion with younger Robert Stewart, 5.1.1615 (Criminal Trials, 273).

MURRAY, John. Servant. With George Winram (q.v.) received £35 from treasury for waiting upon Robert in Aberdeen, Dundee, Perth, Stirling and Edinburgh, 1.11.1562 - 1.3.1563 (TA, xi, 250-1).

OSWALD, William. Smith, owed £16 for fee by Robert at time of latter's death, 4.2.1593 (Edin Tests., SRO CC.8/8/30).

ORR, Alexander. See Menteith, Patrick.

ORROK, James. See Menteith, Patrick.

PAPLAY, Stephen. Bailie of Kirkwall. Never designated as servitor of Robert as such, but involved in his administration nevertheless. Sheriff substitute for Patrick Menteith (q.v.), sheriff depute during Robert's absence, soon after 7.11.1578 (REO, 140, no.lxv) and on assize of All hallow court held by Robert 15.11.1579 (Ibid., 145, no.lxvii) and court at which Robert prosecuted Halcros of Brough, 12.11.1584 (Ibid., 162, no.lxxiii).

Other refs: 19.1.1565 (REO, 276, no.clix); 1.1/10.2.1574 (Ibid., 347, no.ccxxv); 9.6.1575 (Ibid., 137, no.lxii).

PENICUIK, John, elder (1560-78) 6.8.1560 he, his son John (q.v.) and his son's wife were granted land in Slipperfield by Robert (RMS, iv, no.2380). He was presumably laird of Penicuik who, with other servants of Robert, came to Montrose from Orkney with William Lauder in Oct. 1569 (See Kennedy, James). He was presumably related to William Penicuik (q.v.).

**PENICUIK, John, younger.** (1560-78) Married to Euphemia Bruce, sister of Laurence Bruce of Cultmalindie and half-sister of Robert himself. He and his wife, with his father, were granted land in Slipperfield by Robert 6.8.1560 (RMS, iv, no.2380), and land in Penicuik was involved in their marriage contract (RSS, vii, no.1102). 5.8.1577 stood caution (with others) for Robert that he would remain in ward in Linlithgow (RPC, ii, 622) and 30.1.1578 he did same on Robert's liberation from Linlithgow (Ibid., 669-70). Presumably related to William Penicuik (q.v.).

**PENICUIK, William.** Parson of Penicuik. 26.4.1567 witnessed charter by Robert to John French of property in Leith (RMS, iv, no.2557). Presumably same parson who received 'for his labors and monkis pensioun' and £40 at about time of Robert's first arrival in Orkney, autumn 1567 (Roxburghe Mun., app.7, no.1).

**PETERSON, George** (1588-90) Flemish pirate, first complained of 12.11.1588 by Johan Hendrickson, merchant from Emden, who stated that Peterson, leading Scots crew, had intercepted his ship on its way from Danzig to Bremen, and taken it to Orkney where he had sold off cargo. Peterson claimed to be acting on authority of Spanish letter of marque (RPC, iv, 331). During six months following, named nearly a dozen times in English diplomatic correspondence, (CSP Scot, x, passim) including suggestion by William Asheby to Walsingham that man of war be stationed with view to his interception. 16.6.1589 arrested and imprisoned in Edinburgh (Ibid., 105). This resulted in anxious letter from Patrick, master of Orkney, to Sir Patrick Waus 22.6.1589, stating that Peterson had been taken in possession of letter from Robert to duke of Parma, a circumstance which he felt could cause considerable trouble (Barnbarroch Corresp., 433). 24.7.1590 it was reported by Robert Bowes that Peterson had been freed on entry of Anne of Denmark into Edinburgh; the English ambassador stated that he had been told that Peterson would be re-arrested, but had slipped away (CSP Scot, x, 336). After his escape he next appears as pilot of one of the English prize-ships which the Spanish barque had taken, and he went with these ships to Orkney (Ibid., 358). When Spanish ship left Orkney, Peterson went with it, (Ibid., 390).

**RATTRAY, Alexander.** Ledner (?tanner), servant, owed £20 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO cc.8/8/30).

**REDDOK, James.** See Menteith, Patrick.

**REID, John.** 'Coup[?er]'. Owed £40 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).



REIDPETH, Thomas. Probably servant, owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

REIDPETH, Walter. See Menteith, Patrick.

ROBSON, John. Cook, owed £20 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

ROBSON, John. Drummer, owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

ROBESON, Thomas (1567-87) Servitor, first noted 26.4.1567 when witnessed charter by Robert to John French of part of Holyrood Abbey kirkyard (RMS, iv, no.2557). Presumably accompanied Robert on his first expedition to Orkney and was involved in cathedral killings, 17.3.1568 (RSS, vi, no.306). William Henderson noted 4.2.1568 that he had written to Sir John Bellenden of Auchnoul and his wife, probably regarding Bellenden's estates in Orkney (Roxburghe Mun., app.7, no.2). 20.12.1576 he was at the horn for slaughter of Adam Dickson (see Menteith, Patrick). There are no further references to him until 9.9.1581, when he witnessed sasine to Robert of land in Sabay (REO, 303, no.clxxxvi). Other references to him also name him as witness: 21.8.1584 of gift by Robert to his cousin Mary Stewart (Ibid., 304, no.clxxxvii); 31.3.1587 of charter by earl of Rany Elphinstone (q.v.) of land in Cairston. REO index indentifies Thomas Robeson with Thomas Robertson, bailie of Harray, but as the two renderings - Robeson and Robertson - are used separately and consistently with regard to the two individuals, this seems unwarranted.

ROBERTSON, John. See Menteith, Patrick.

ROSS, Patrick. One of 'men following efter' whose good wishes were relayed to Andrew Martin by James Dickson (qq.v.) in his letter of 23.11.1585 (Barnbarroch Corresp., 341).

SANDERSON, Thomas. Formerly in Canongate. 1570 mentioned in litigation as owning property there (Canongate Court Book, 231); stated in court book to be in Orkney, and was presumably there as follower of Robert. (see also Cumming, Thomas).

SANDILANDS, John. Noted as delivering £315 from Robert to his wife, 4.5.1584 (Barnbarroch Corresp., 288).

SCARTH (Skarte). Barnman of Birsay, owed Robert £51-worth of malt and meal at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

SCLATER, Thomas. Workman, owed £10 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

SCLATER, William. Involved in strife in cathedral, 17.3.1568 (RSS, vi, no.306).



SCOLLAY, David, of Tofts. Son of Duncan Scollay in Kirkwall, bailie, later provost of Kirkwall and sheriff depute of Orkney. Another of comparatively few Orcadians prominent in Robert's administration (see also: Groat, Malcolm; Halcro, William; Hourston, Magnus; Paplay, Stephen). A David Scollay is first mentioned 31.5.1552 as witness to wadset (REO, 246, no.cxxxiv), but is not noted again until 18.9.1566 when, noted as burgess of Kirkwall, witnessed narrative of burgh bailies concerning theft of William Irving's ship and other acts of piracy (Ibid., 375, no.cxxxviii). On Robert's arrival, he seems to have joined his entourage early on, and he was involved in cathedral killings, 17.3.1568 (RSS, vi, no.306). 17.7.1572, designated prebendary of St Augustine, signed charter by Adam Bothwell to Robert of bishopric lands of Orkney (OSR, 178, no.69). During Robert's absence 1575-80, references to him are largely inconsequential, but held court 9.7.1575 as bailie of Kirkwall (REO, 137, no.lxii) and some time after 7.11.1578 in Harray as sheriff substitute to sheriff depute Patrick Menteith (q.v.) (Ibid., 140, no.lxv). Procurator for Magnus Sinclair of Skail in protracted court case between him and Frasers regarding land in Toab, 12.3.1579 (Ibid., 144, no.lxvi); 5.11.1579 (Ibid., 145, no.lxvii); 24.2.1580 (Ibid., 150, no.lxix). Nov. 1583 witnessed remit by Robert of escheat of William Irving (Irvine of Midbrake Papers, SRO (microf.) RH.4/35/388/32). 18.1.1584 acted with John Dishington, John Caverton and Patrick Menteith (qq.v.) in prosecution by Robert of Magnus, Gilbert and Edward Irving (REO, 155, no.lxxi) and, designated 'of Tofts' for first time, was present at court of perambulation of marches of Sabay, Toab and Tankerness, 27.1.1584 (Ibid., 157, no.lxxii). Some time before 12.11.1584 on court with Menteith and Caverton which granted decree to Robert against Margaret Sinclair, relict of Magnus Halcro of Brough, and was one of John Dishington's 'assessors' in process of apprising against James and Henry Halcro in South Ronaldsay, 20.2.1585 (Ibid., 165, no.lxxiv). Still alive 6.2.1587 (Ibid., 308, no.cxc) and in fact was provost of Kirkwall for some time during period 1586-90 (Kirkwall Chrs., 124), when Robert demitted the office temporarily, possibly for reasons connected with accusations of oppression against him at the time.

Other refs: 19.7.1573 (REO, 351, no.cxxix); 30.4.1574 (Ibid., 293, no.clxxv); 10.4.1577 (Fea of Clestrain Mun., SRO GD.31/1); 12.4.1577 (REO, 296, no.clxxviii); 25.1.1581 (Ibid., 301, no.clxxxiv).

SCOLLAY, Edward. Servitor. See Menteith, Patrick. Precept directed to him in disposition by David Sinclair of Hunto to his son, Edward Sinclair, and his wife, 12.4.1577 (REO, 295, no.clxxviii). Nov. 1583, designated (with others, including David Scollay, q.v., of whom he may well have been a relative) 'servitor', he witnessed remit by Robert of escheat of William Irving (Irvine of Midbrake Papers, SRO (microf.) RH.4/35/388/32). 18.5.1589 witnessed, in Edinburgh, charter by Patrick, master of Orkney, to Michael Balfour of Montquhany of island and lands of North Fara (O & S Papers, SRO RH.9/15/264). In later years, as Edward Scollay of Strynie, he was to serve Earl Patrick.



SHAW, John. See Bathok, George.

SINCLAIR, Edward. Son of Katherine Kennedy, wife of Patrick Bellenden of Stenness, by her first marriage to Henry Sinclair of Evie. 21.3.1588 Robert granted him and his brothers Oliver and William (qq.v.) bond of maintenance by which in return for their allegiance earl undertook to aid them in recovering their patrimony, said to have been much damaged by their stepfather during their minority (Irvine of Midbrake Papers, SRO (microf.) RH.4/35/388/41).

SINCLAIR, Henry. 'Chalmerchyld'. One of those, with Gavin Elphinstone (q.v.) charged with negotiating with king of Denmark with view to rendering to latter 'supremacy and dominion' of Orkney and Shetland (Oppressions, 3), though, unlike Elphinstone, there is no evidence that he actually went to Denmark. Mysterious figure, who does not feature in any other of Robert's doings.

SINCLAIR, Oliver. See Sinclair, Edward.

SINCLAIR, William. See Sinclair, Edward.

SMITH, Halpert. Servant. Noticed only once - 20.8.1591 witnessed charter by Robert to Alastair Banks (q.v.) and Katherine Godd, his wife, of tenement in Kirkwall (Craven Beq., SRO GD.106/81).

SMITH, John. Officer of Laurence Bruce of Culmalindie (q.v.). Complained of in Oppressions (74), as having exacted a cow from Ola Langskail in payment of lispund of butter; possibly also underfoud. of Dunrossness (Ibid., 75).

SMITH, Rob. Bellman, owed £10 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

STANNOQUOY (?Stenaquoy). Carter, owed £10 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

STEVENSON, Robert. See Aikman, Mathew.

STEWART, Alexander. Servitor, feuar of kirk of Dunning, natural son of Alexander, bishop of Murray (Reg. Deeds (1st series) ii, 218). 26.6.1566 witnessed contract between Robert Stewart and Peter Blackwood (Acts and Decrees, xxxv, 335). Robert granted him pension as tutor for his own son, Alexander, 4.7.1567 (Reg. Deeds, (1st series) ix, 157).

STEWART, James. See Menteith, Patrick.

STEWART, John, of Eildon. (?1552-67) One of Robert's followers granted letters to depart with him to France and Germany, 1.4.1567 (RSS, v, no.3387). Possibly also John Stewart, son of late James Stewart, abbot of Dryburgh, granted obligation by Robert 15.1.1552 for 'gude trow and thankfull service' during his stay



in France, and whose pension together with that of Nicol Elphinstone (q.v.) was escheated for disobedience 7.11.1565 (RSS, v, no.2415).

STEWART, John. Porter, owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

STEWART, John. Stabler, owed £30 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.3/8/30).

STRACHAN, Alexander. Wright. Owed £40 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

SUTHERLAND, Alexander. See Menteith, Patrick.

SUTHERLAND, James. Servant, owed £16 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

SUTHERLAND, John. Skipper, owed £40 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30). Left 'the auld shellop with her haill furnettours' by earl in his will (Morton Papers, GD.150/2238), and thus possibly Robert's own personal sea-captain.

TARRELL, Hugh. See Menteith, Patrick.

THOMSON, Alexander. Burgess of Edinburgh, granted money from treasury for expenses in looking after Robert when he was ill during period up to 9.6.1562 (TA, xi, 173), and also for 'breakfasts, dinners, suppers and collations' during stay by Robert in Edinburgh, Sept. same year (Ibid., 251). An Alexander Thomson, burgess of Edinburgh, witnessed instrument by William Lauder regarding his treatment at hands of Adam Bothwell, 17.10.1569 (Prot. Bk. Gilbert Grote, 81)<sup>1</sup>.

TOWERS, George, of Inverleith. One of Robert's vassals as commendator of Holyrood, appearing in various deeds relating to Robert. Granted pension by commendator at Kirkcudbright, 5.11.1554, for good service (Holyrood Chrs., 160-1).

TOWP (?Toab), Wattle. Workman, owed £20 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30).

TRAILL, George. Owed £80 for fee by Robert at time of latter's death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30). Judging by amount he was due, and fact that he appears in testament in close proximity to Andrew Martin, it would seem that George Traill was a man of some minor importance in Robert's following.

TULLOCH, Edward. See Menteith, Patrick.

TWATT, John. Designated servant to 'me lord' - presumably Robert - in witnessing discharge by Andrew Yinstay, tacksman of St Andrews, to William Irving of Horrie of various victual debts, Spet. 1572 (REO, 290, no.clxxii).

1. A further person of this name was presented to vicarage of Dunrossness, 1570 (see p.167). It cannot be stated whether these latter two are the same person. It seems safe to assume they are not.



**TWATT** (Thwaitt), William. Servitor. Witnessed charter by Robert to Alastair Banks (q.v.) and his wife, 20.8.1591 (Craven Beq., SRO GD.106/81). Granted pension in Robert's will of 1 barrel butter and 6 meils cost yearly from lands of Twatt, 2.2.1593, (Morton Papers, SRO GD.150/2238).

**WILLIAMSON**, Andrew (1568-9) Granted acquittance by John Egburg and Broune Claus, Dutch merchants, for payment for hoy ship Muryeone, presumably used by Robert in his expedition north, 19.3.1568 (Reg. Deeds (1st series), ix, 367). Bore letter from Robert to Sir John Bellenden of Auchnoull, before 10.6.1569 (Roxburghe Mun., app.7, no.12). No more information regarding him is yet available, but these references would seem to suggest that Andrew Williamson was one of Robert's Edinburgh agents in manner of Alexander Couston and William Mentoith (qq.v.).

**WILLIE**, David. See Aikman, Mathew.

**WINRAM**, George. (1562-3) Servant, granted expenses from treasury on nine occasions between Feb. 1562 and Feb. 1563 during which time he was with his master in Linlithgow with queen, 16-30.1.1562 (TA, xi, 103); Edinburgh, 31.1-16.2.1562 (Ibid., 110, 173) Aberdeen, Dundee, Perth, Stirling, Edinburgh 1.11.1562-1.3.1563 (Ibid., 250-1); St Andrews, 28.2.1563 (Ibid., 251).

Other refs: TA, xi, 151, 159, 204, 205.

**YORSTON**, William. See Menteith, Patrick.

**YULE**, Robert. Court clerk to Laurence Bruce of Culmalindie. Carried out Bruce's order to compel Laurence Leask, tenant of Arthur Sinclair in St Ninian's Isle, to pay his mails and duties to Bruce rather than to Sinclair. In face of complaints against Bruce's activities, he was employed by laird to compel poorer and illiterate members of Shetland community by threats to subscribe testimonial on Bruce's behalf (Oppressions, 83).

The following are recorded by their christian names only:

Robert, servitor, witnessed gift by his master to Mary Stewart, his (the earl's) relative, 21.8.1584 (REO, 305, no.clxxxvii); Duncan and Elias were both owed £30 for their fees by Robert at time of his death, 4.2.1593 (Edin. Tests., SRO CC.8/8/30). During his period of education at St Andrews, Robert also had in his retinue an unnamed minstrel (TA, vii, 280).

## BIBLIOGRAPHY AND SOURCES

### Sources - Printed

- Accounts of the Collectors of Thirds of Benefices, 1561-2, ed. Gordon Donaldson, (SHS) 1949.
- Accounts of the Master of Works, Vol. I, 1529-1615, ed. H M Paton, 1957.
- Accounts of the (Lord High) Treasurer of Scotland, Vols. I-XII, 1473-1574, eds. T Dickson, J B Paul, C T McInnes, 1877-1970.
- Acta Curiae Admirallatus Scotiae, 1557-62, ed. T C Wade (Stair Soc) 1943.
- Acts of the Lords of Council in Public Affairs, 1501-54, ed. R K Hannay, 1932.
- Acts of the Parliaments of Scotland, Vols II-IV, 1424-1625, eds. T Thomson, C Innes, 1814-6.
- Balcarres Papers, (Foreign Correspondence with Marie de Lorraine, Queen of Scotland), ed. Marguerite Wood, (SHS) 1925.
- Bannatyne Miscellany, Vols. I-III, (Bannatyne Club) 1827-55.
- Book of Records of the Ancient Privileges of the Canongate, ed. Marguerite Wood, (SRS) 1955.
- Book of the Universall Kirk of Scotland (Acts and Proceedings of the General Assemblies of the Kirk of Scotland), Vols. I-III, (Bannatyne Club) 1839-45.
- David Calderwood, The History of the Kirk of Scotland, Vols I-IV, ed. T Thomson, (Wodrow Soc), 1842-3.
- Calendar of the Laing Charters, ed. J Anderson, Edinburgh, 1899.
- Calendar of the State Papers relating to Scotland and Mary, Queen of Scots, 1547-1603, eds. J Bain and others, 1898-1969.
- Calendar of State Papers, Spanish (Calendar of Letters and State Papers relating to English Affairs, preserved principally in the Archives of Simancas), Vols. III-IV, 1580-1603, ed. Martin A S Hume, 1896-9.
- Calendar of State Papers, Foreign, Vols. I-XXIII, 1863-1950, various eds.
- Charters of Holyrood, (Liber Cartarum Sancto Crucis), ed. F Egerton, (Bannatyne Club) 1840.



Charters and other Records of the City and Royal Burgh of Kirkwall,  
ed. J Mooney (Spalding Club) 1952; Kirkwall, n.d.

A Chronicle of the Kings of Scotland, (Maitland Club) 1830.

Correspondence of Sir Patrick Waus of Barnbarroch, Vols. I-II, ed.  
Robert Vans Agnew, 1887.

Courcelles's Negotiations in Scotland, 1586-7, (Bannatyne Club) 1828.

Court Book of the Regality of Broughton and the Burgh of the Canongate,  
1569-73, ed. Marguerite Wood, Edinburgh and London, 1937.

The Court Book of Shetland, 1602-4, ed. Gordon Donaldson, (SRS) 1954.

Criminal Trials in Scotland, Vols. I-III, ed. Robert Pitcairn, Edinburgh, 1833.

A Diurnal of Remarkable Occurrents that have passed within the Country  
of Scotland since the death of King James the Fourth till the year  
1575, (Bannatyne and Maitland Clubs) 1833.

Early Records of the University of St Andrews, 1413-1579, ed. J  
Maitland Anderson, (SHS) 1926.

The Earliest Norwegian Laws, ed. Laurence Larson, New York, 1935.

Egil's Saga, eds. H Palsson, P Edwards, London, 1978.

The Exchequer Rolls of Scotland (Rotuli Scaccarii Regum Scottorum),  
Vols. XVI-XXIII, 1529-1600, eds. J G Mackay, G P MacNeil, 1897-1908.

George Best, The Three Voyages of Martin Frobisher, ed. V Stefansson,  
London, 1938, reprinted 1971.

The Hamilton Papers, Vol. II, 1543-90, ed. J Bain, 1892.

The Historie and Life of King James the Sext, (Bannatyne Club) 1825.

Inventaires de la Roynie Descosse, Douairiere de France, (Bannatyne  
Club), 1863.

Robert Keith, History of the Affairs of Church and State in Scotland,  
Vols. I-II, ed. J P L (Spottiswood) 1844.

John Knox, History of the Reformation in Scotland, Vols. I-II, eds.  
D Laing, 1846-8; W Croft Dickinson, 1949.

Letters of James V, eds. R K Hannay, Denys Hay, 1954.

Original Letters of Mr John Colville, (Bannatyne Club) 1858.

Letters of Mary, Queen of Scots, Vols. I-II, ed. Agnes Strickland,  
London, 1844.



Sir James Melville of Halhill, Memoirs of His Own Life, (Bannatyne Club) 1827.

Moray Muniments, HMC : 6th report, 634-673.

David Moysie, Memoirs of the Affairs of Scotland, (Bannatyne Club) 1830.

Mark Napier, Memoirs of Napier of Merchiston (Letters of Adam Bothwell), Edinburgh and London, 1834.

Claude Nau, The History of Mary Stewart, ed. Joseph Stevenson, Edinburgh, 1834.

Notes on Orkney and Zetland, ed. Alexander Peterkin, Edinburgh, 1822.

Oppressions of the Sixteenth Century in the Islands of Orkney and Zetland, ed. David Balfour (Maitland Club) 1859.

Orkney and Shetland Records, ed. A W and A Johnston, (Viking Soc), 1907.

Papal Negotiations with Mary, Queen of Scots, ed. J H Pollen, (SHS) 1901.

Papiers d'Etat relatifs a l'Histoire de l'Ecosse au XVIe Siecle, Vols. I-II, ed. A Teulet, (Bannatyne Club) 1851.

R Lindsay of Pitscottie, The Historie of Scotland, (STS) 1899.

Protocol Book of Mr Gilbert Grote, 1552-73, ed. Wm Angus, (SRS) 1914.

Extracts from Records of the Burgh of Edinburgh, Vol. IV, (SRS) 1882.

Records of the Earldom of Orkney, ed. J Storer Clouston, (SHS) 1914.

Register of the Privy Council of Scotland, Vols. I-V, 1545-99, eds. J H Burton, D Masson, 1877-82.

Registrum Magni Sigilli Regum Scottorum, Vols. II-VI, 1424-1608, eds. J B Paul and others, 1882-90.

Registrum Secreti Sigilli Regum Scottorum, Vols. I-VIII, 1488-1580, eds. M Livingstone and others, 1908-66.

Regesta Regum Scottorum, Vols. I-II, 1153-1214, ed. G W S Barrow, 1960-70.

Rentals of the Ancient Earldom and Bishoprick of Orkney, ed. A Peterkin, 1820.

Report by De La Brosse and D'Oysel on Conditions in Scotland, 1559-60, ed. G Dickinson, (SHS Misc IX) 1958.

Reports on the Royal Archives of Denmark, and Report on the Royal Library at Copenhagen, W D Macray, (45th and 46th Reports of the Deputy Keeper of the Public Records, 1884-5).

Salisbury Papers, (HMC) 1889.

Early Scottish Charters prior to AD 1153, ed. Sir Archibald Lawrie, Glasgow, 1905.

The Scottish Correspondence of Mary of Lorraine, ed. Annie I Cameron, (SHS) 1927.

Selections Illustrative of the History of Scotland, mdxliii-mdlxviii (Maitland Club) 1837.

#### Sources - Manuscript

Abbreviates of Charters of Kirklands, (SRO ref E.14/1-2)

Register of Acts and Decrees (SRO ref. CS.7)

Balfour (of Balfour and Trenable) Papers (Orkney Archive ref. D.2)

Balfour of Pilrig Muniments (SRO ref. GD.69)

Craven Dequest (SRO ref. GD.106)

Cunningham of Caprington Muniments (SRO ref. GD.149)

Commissariat of Edinburgh Register of Testaments (SRO ref. CC.8/8)

Exchequer Records (SRO refs. E.41, E.108; see also Abbreviates of Charters of Kirklands)

Fea of Clestrain Muniments (SRO ref. GD.31)

Gordon Castle Muniments (SRO ref. GD.44)

R K Hannay Papers (SRO ref. GD. 214)

Irvine of Midbrake Papers (Shetland Library; SRO microf. ref. RH.4/35)

Hugh Marwick Papers (SRO ref. GD.1/236)

King James VI Hospital, Perth, Muniments (SRO ref. GD.79)

Morton Papers (SRO ref. GD.150)

Orkney and Shetland Papers (SRO ref. RH.9/15)

Particular Register of Sasines for the Sheriffdom of Orkney (SRO ref. RS.43)

Protocol Book of Thomas Auchinleck (SRO ref. NP.1/36)

Register of Deeds (1st series - SRO ref. RD.1)



Register House Charters (SRO ref. RH.6)

Roxburghe Muniments (Floors Castle; NRA(S) survey no.1100)

Scarth of Breckness Muniments (SRO ref. GD.217)

Sinclair of Mey Muniments (SRO ref. GD.96)

State Papers (SRO ref. SP.)

Storer Clouston Papers (Orkney Archive ref. D.23)

Sheriff G H M Thoms Papers (SRO ref. GD.1/212)

Traill Dennison Papers (Orkney Archive ref. D.14)

Tulloch of Tannachie Muniments (SRO ref. GD.107)

#### Works of Reference

Dictionary of the Older Scottish Tongue, ed. Sir William Craigie and others, London and Chicago, 1937-.

Dowden, John, The Bishops of Scotland, Glasgow, 1912.

Easson, D.E., Medieval Religious Houses, London, 1957.

Inventory of Ancient Monuments. The Royal Commission on the Ancient Monuments of Scotland. Twelfth Report with an Inventory of the Ancient Monuments of Orkney and Shetland, Vols. I-III, 1946.

Jakobsen, Jakob, An Etymological Dictionary of the Norn Language in Shetland, Vols. I-II, London and Copenhagen, 1928-32,

Marwick, Hugh, The Place-Names of Birsay, Aberdeen, 1970.

Marwick, Hugh, Orkney Farm-Names, Kirkwall, 1952.

Marwick, Hugh, The Orkney Norn, Oxford, 1926.

Scott, Hew, Fasti Ecclesiae Scoticae, Vols. I-VII, Edinburgh, 1915-28.

Scottish National Dictionary, ed. William Grant, David Murison, Edinburgh, 1941-76.

Watt, D.E.R., Fasti Ecclesiae Scoticae Medii Aevi, (2nd Draft) (SRS) 1969.



## Secondary Works

- Bingham, Caroline, James V, King of Scots, London, 1971.
- Brøgger, A.W., Ancient Emigrants. A History of the Norse Settlements of Scotland, Oxford, 1929.
- Brown, George M., Greenoe, London, 1972.
- Brown, George M., The Two Fiddlers, London, 1974.
- Brand, J., A Brief Description of Orkney, Zetland, Pightland Firth and Caithness, Edinburgh, 1701-3.
- Clouston, J. Storer, History of Orkney, Kirkwall, 1932.
- Craven, J.B., A History of the Church in Orkney, Vol. I, Kirkwall, 1893.
- Donaldson, Gordon, The First Trial of Mary, Queen of Scots, London, 1969.
- Donaldson, Gordon, The Scottish Reformation, Cambridge, 1960.
- Donaldson, Gordon, Scotland, James V - James VII, Edinburgh, 1971.
- Donaldson, Gordon, Shetland Life under Earl Patrick, Edinburgh, 1958.
- Dow, James, Ruthven's Army in Sweden and Esthonia, Stockholm, 1965.
- Elder, John R., Spanish Influences on Scottish History, Glasgow, 1920.
- Fenton, Alexander, The Northern Isles: Orkney and Shetland, Edinburgh, 1978.
- Fraser, Antonia, Mary, Queen of Scots, London, 1969.
- Fraser, Sir William, The Elphinstone Family Book of the Lords Elphinstone, Balmerino and Coupar, Vols. I-II, Edinburgh, 1897.
- Fraser, Sir William, The Lennox Book, Vols. I-II, Edinburgh, 1874.
- Goudie, Gilbert, The Celtic and Scandinavian Antiquities of Shetland, Edinburgh, 1904.
- Grant, Francis, Zetland County Families, Lerwick, 1893.
- Gore-Browne, Robert, Lord Bothwell, London, 1937.
- Hay Fleming, David, Mary Queen of Scots, London, 1898.
- Hay Fleming, David, The Reformation in Scotland, London, 1910.
- Hossack, B.H., Kirkwall in the Orkneys, Kirkwall, 1900.

- Lang, Andrew, The Mystery of Mary Stewart, London, 1901.
- Lee, Maurice, John Maitland of Thirlestane, Princeton, 1959.
- Lee, Maurice, James Stewart, Earl of Moray, New York, 1953.
- Marshall, Rosalind, Mary of Guise, London, 1977.
- Mackenzie, James, The General Grievances and Oppressions of the Isles of Orkney and Shetland, Edinburgh, 1836.
- Mooney, John, The Cathedral and Royal Burgh of Kirkwall, Kirkwall, 1943.
- Ridpath, George, The Border-History of England and Scotland, London, 1776.
- Smith, John, Annals of the Church of Scotland in Orkney from 1560, Kirkwall, 1907.
- Willson, D.H. James VI and I, London, 1956.

#### Articles

- Begg, James, 'The Orkney Bailie Courts', POAS, ii-iv (1923-4).
- Begg, James, 'The Early Orkney Justiciary', POAS, viii, (1929-30), 17.
- Clouston, J. Storer, 'James Sinclair of Brecks', POAS, xv (1937-9), 61.
- Clouston, J. Storer, 'The Battle of Summerdale', Old Lore Misc., ii (1909), 95.
- Cowan, Ian, 'Appropriation of Parish Churches', An Historical Atlas of Scotland, 37-8, 144-7.
- Dickinson, W. Croft, 'Odal Rights and Feudal Wrongs', Viking Congress, 142.
- Dilworth, Mark 'Coldingham Priory and the Reformation', IR, xxiii (1972), 126.
- Dobie, W. Jardine, 'Udal Law', The Sources and Literature of Scots Law, 445-60.
- Dobie, W. Jardine, 'A Shetland Decree', JR, ii (1939), 1.
- Donaldson, Gordon, 'Bishop Adam Bothwell and the Reformation in Orkney', SCIS, xiii (1959), 85.
- Donaldson, Gordon, 'The Bishops and Priors of Whithorn', TDCNLS, 3rd series, xxvii (1950), 147.
- Donaldson, Gordon, 'The Early Ministers of Shetland', Shetland News, 9 Sept. 1943.



Donaldson, Gordon, 'The Income of Scottish Religious Houses',  
Mediaeval Religious Houses, 199-200.

Donaldson, Gordon, 'Stewart Builders: the Descendants of James V',  
The Stewarts, xiv, 116.

Doughty, D.W., 'The Library of James Stewart, Earl of Moray, 1531-70',  
IR, xxi (1970), 25.

Drever, W.P., 'Udal Law', Encyclopaedia of the Law of Scotland, xv,  
321-336.

Hogg, Aelred, 'Sidelights on the Perth Charterhouse', IR, xix (1968),  
168.

Leith, Peter, 'The Bellendens and the Palace of Stenness', POAS,  
xiv (1936-7), 41.

Macmaster, Aeneas, 'Alexander Myln of Cambuskenneth', DNB, xiv, 2.

McNeill, Peter, 'Sir James Balfour of Pittendreich', JR, v (1960), 6.

Mooney, John, 'Kennedys in Orkney and Caithness', POAS, x (1931-2),  
17-20.

Rendall, Robert, 'Birsay's Forgotten Palace', Orkney Herald, 21 Apr.  
1959.

Robberstad, Knut, 'Udal Law' (Unpublished paper delivered to the  
Shetland Historical Congress in 1969).

Simpson, W.Douglas, 'Noltland Castle', Spalding Club, 1952.

Steuart, A. Francis, 'Gilbert Balfour of Westray', Old Lore Misc.,  
iv (1911), 148.

Also:

Crawford, Barbara, 'The Earldom of Orkney and Lordship of Shetland: A Reinterpretation  
of their Pledging to Scotland in 1468-70', Saga Book, xvii (1969), 156.

Manson, T.M.Y., 'The Fair Isle Armada Shipwreck', The Scottish Tradition, 121-131.



## MAPS

### Notes

These maps seek to indicate the whereabouts of most of the places mentioned in the text, though problems of scale have rendered it impossible to include all the names. In the case of Orkney, concentrations of cited names in relatively small areas have necessitated the use of numbers instead of names in full. A key to these will be found below.

### SCOTLAND, ORKNEY & SHETLAND:

- x churches appropriated to the abbey of Holyrood  
(for more detailed map of these, see Historical  
Atlas of Scotland, 146-7).
- Route of the 'Spanish Barque' in Scottish waters,  
1589.
- Route of the 'Spanish Barque' in Scottish waters,  
1590.

### ORKNEY:

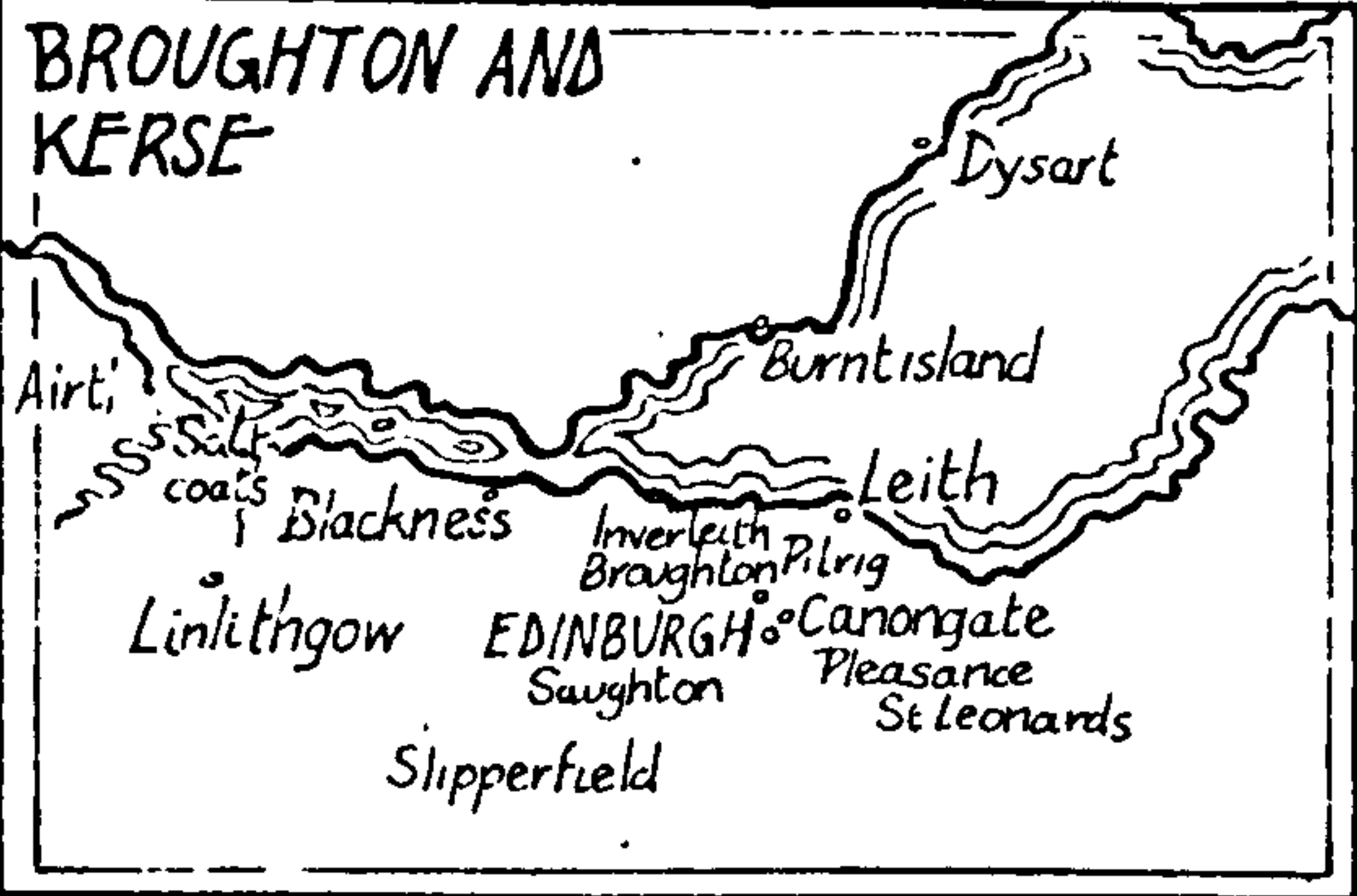
Names represented by numbers

- |  |                             |  |
|--|-----------------------------|--|
| 1. Berstan                                 | 15. Grotsetter              | 27. St Magnus Kirk,<br>Earl's Palace       |
| 2. Dowbreck                                | 16. Hawell                  | 28. St Peter's<br>Kirk, South<br>Ronaldsay |
| 3. Brabster                                | 17. Housequoy,<br>Mekilquoy | 29. Skail (Rousay)                         |
| 4. Brecks (Deerness)                       | 18. Hurtiso                 | 30. Sorquoy                                |
| 5. Brough of Birsay                        | 19. Lingro                  | 31. Summerdale                             |
| 6. Carabreck, Garth,<br>Messigar, Twinness | 20. Loch of Board-<br>house | 32. Swartabreck                            |
| 7. Clumlie                                 | 21. Lyding                  | 33. Tankerness                             |
| 8. Corse                                   | 22. Neil                    | 34. Thurrigar                              |
| 9. Corston                                 | 23. Midhouse                | 35. Tormiston,<br>Hobbister                |
| 10. Deldale                                | 24. Ocklester               | 36. Twatt                                  |
| 11. Dowscarth                              | 25. Papadale,<br>Weyland    | 37. Yinstay                                |
| 12. Essinquoy                              | 26. Sabay                   |  |
| 13. Garson, Hammiger                       |                             |  |
| 14. Gorn                                   |                             |  |

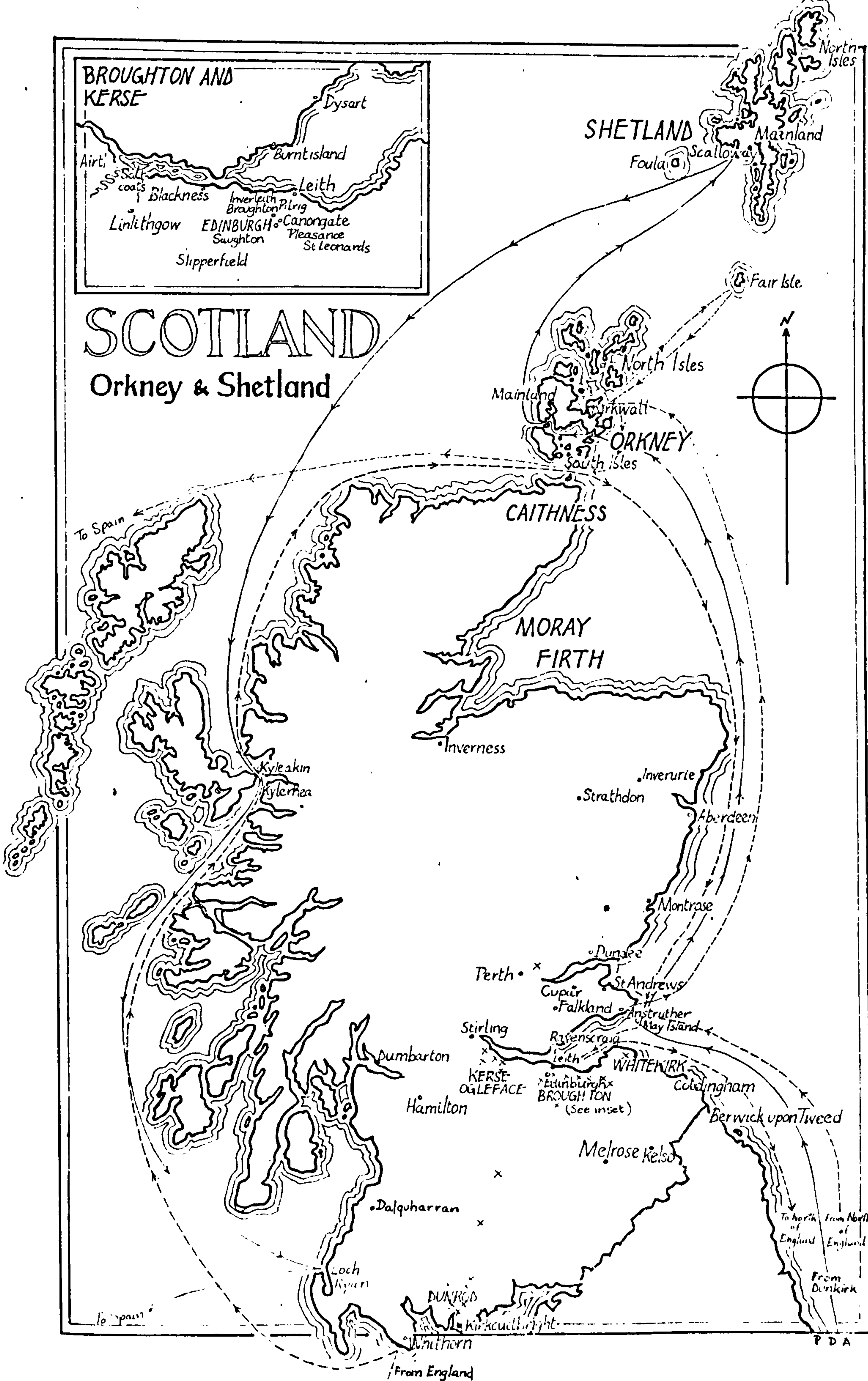
### BIRSAY AND THE EARL'S PALACE:

The main sketch is a diagrammatic reconstruction of the earl's palace and grounds based on 17th and 18th century plans (Reg. Ho. Plans, RHP 6089, 35836; RC/HIS, Inv., O & S, plate 4).

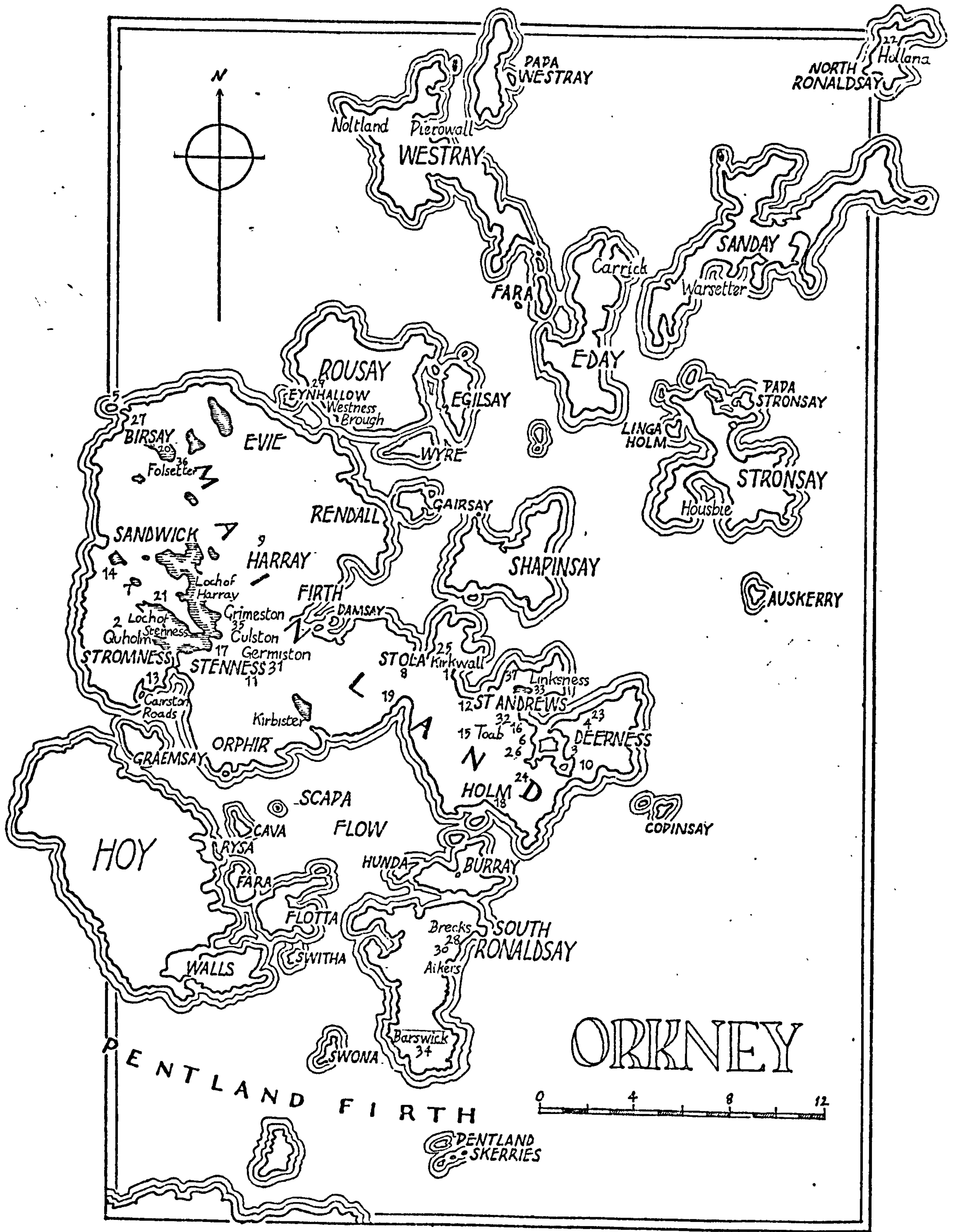
BROUGHTON AND KERSE



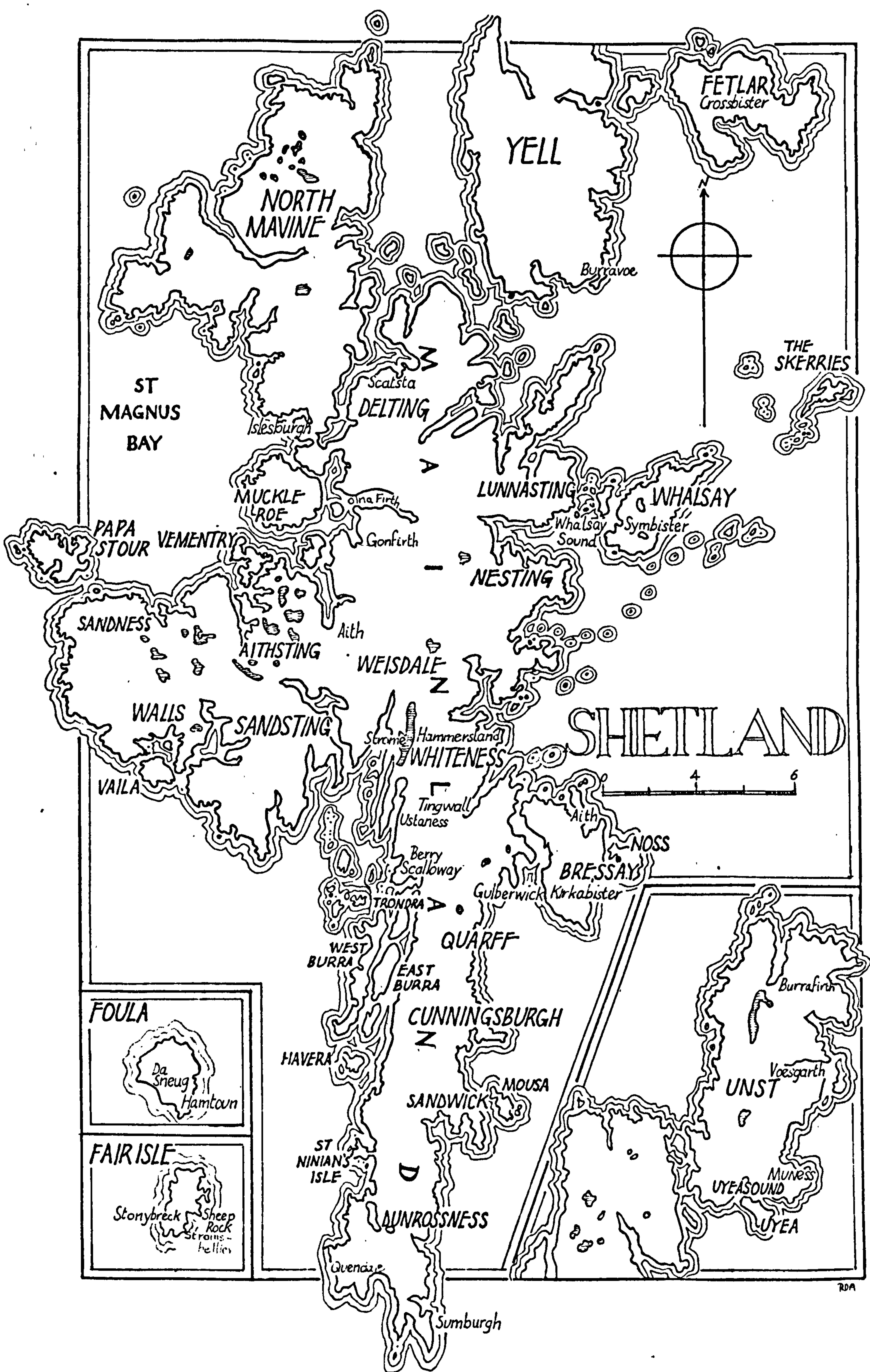
SCOTLAND  
Orkney & Shetland











# THE BARONY AND THE EARL'S PALACE

